

xx
A JUST
VINDICATION
OF THE
Church of England,
FROM
The unjust Aspersions of Criminal
SCHISME.

WHEREIN
The nature of Criminal Schisme, the
divers sorts of Schismatics, the liberties and pri-
viledges of National Churches, the rights of Sove-
reign Magistrates, the tyranny, extortion and Schisme
of the *Roman* Court, with the grievances, Complaints,
and opposition of all Princes and States of the *Roman*
Communion of old, and at this very day, are mani-
fested to the view of the World.

By the Right Reverend Father in God, *John Bramhall*,
Dr. in Divinity, and Lord Bishop of *Derry*.

Pacian. in ep. ad Sempron. My name is Christian, my
surname is Catholique. By the one I am known from
Infidels, by the other from *Hereticks* and *Schismatics*.

LONDON,
Printed for *John Crook*, at the sign of the Ship in
S. Paul's Church-Yard, 1654.

A 1802

INDICATION

OF THE

Church of England

1801

London: Printed by J. Johnson, in Pall-mall.

1801

The following is a list of the names of the persons who have been admitted into the Church of England since the year 1801. The names are arranged in alphabetical order, and are given in full, with the date of admission, and the name of the minister who received them. The list is divided into two parts, the first containing the names of the persons who were admitted in the year 1801, and the second containing the names of the persons who were admitted in the year 1802. The names are given in full, with the date of admission, and the name of the minister who received them. The list is divided into two parts, the first containing the names of the persons who were admitted in the year 1801, and the second containing the names of the persons who were admitted in the year 1802.



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by mistake.

A JUST
VINDICATION
OF THE
Church of England.

CHAP. I.

*The Scope and summe of this
Treatise.*

1. **N**othing hath been hitherto, Nothing
or can hereafter be ob- more pro-
jected to the Church of bably ob-
England, which to stran- jected to
gers unacquainted with the the Church
of *England*
state of our affaires, or to such of our Na- then
tives as have onely looked upon the case Schisme.
superficially, hath more Colour of truth at
first sight then that of Schisme, that we have
withdrawn our obedience from the Vicar of
Christ; or at least from our lawful Patriarch,
and separated our selves from the Commu-
nion of the Catholick Church. A grievous
B L D accusation

accusation I confesse, if it were true: for we acknowledge that there is no salvation to be expected ordinarily without the pale of the Church.

But nothing more unjustly.

2. But when all things are Judiciously weighed in the Ballance of right reason, when it shall appear that we never had any such forrein Patriarch for the first six hundred years and upwards; And that it was a grosse Violation of the Canons of the Catholick Church to attempt after that time to obtrude any forrein Jurisdiction upon us, That before the Bishops of *Rome* ever exercised any Jurisdiction in *Brittain*, they had quitted their lawful Patriarchate wherewith they were invested by the authority of the Church, for an unlawful Monarchy pretended to belong unto them by the institution of Christ; That whatsoever the Popes of *Rome* gained upon us in after-ages without our own free consent, was meer tyranny and usurpation. That our Kings with their Synods and Parliaments had power to revoke, retract and abrogate wharsoever they found by experience to become burthensome and insupportable to their Subjects; That they did use in all ages, with the consent of the Church and Kingdom of *England*, to limit and restrain the Exercise of Papal power, and to provide remedies against the daily incroachments of the *Roman* Court, so as *Henry* the Eighth at the reformation of the English Church, did but

but tread in the steps of his most renowned Ancestours, who flourished whilest Popery was in its Zenith; And pursued but that way which they had chalked out unto him, a way warranted by the practise of the most Christian Emperours of old, and frequented at this day by the greatest, or rather by all the Princes of the Roman Communion so often as they find occasion. When it shall be made evident, that the Bishops of *Rome* never injoyed any quiet or settled possession of that power which was after deservedly cast out of England, so as to beget a lawful prescription: And lastly, that we have not at all separated our selves from the Communion of the Catholick Church, nor of any part thereof, *Roman* or other, *qua tales*, as they are such, but only in their innovations, wherein they have separated themselves first from their Common Mother, and from the fellowship of their own Sisters; I say, when all this shall be cleared, and the Schisme is brought home and laid at the right door, then we may safely conclude, that by how much we should turn more Roman then we are, whilest things continue in the same condition; by so much we should render our selves lesse Catholique, and plunge our selves deeper into Schisme whilest we seek to avoid it.

3. For the clearer and fuller discussion and demonstration whereof, I shall observe

The method observed in this Discourse.

this method in the Ensuing discourse.

First to state the question, and shew what is Schisme in the abstract, who are Schismatiques in the Concrete; and what we understand by the Church of England in this question.

Secondly, I will lay down six grounds or propositions, every one of which singly is sufficient to wipe away the stain and guilt of Schisme from the Church of England; how much more when they are all joyned together? My six grounds or Propositions are these: First, that Protestants were not the authors of the late great separation from *Rome*, but Roman Catholicks themselves, such as in all other points were chief Advocates and Pillars of the Roman Church, and so many, that the names of all the known dissenters might be written in a little ring. Secondly, that in abandoning the Court of *Rome*, they did not make any new Law, but onely declare and restore the old Law of the Land to its former Vigour; And vindicate that liberty left them as an inheritance by their Ancestours, from the incroachments and usurpations of the Court of *Rome*. Thirdly, that the ancient *Brittish* and *Scottish*, or *Irish* Churches were evermore exempted from the Patriarchal Jurisdiction of the Roman Bishops, untill Rome thirsting after an universal unlawful Monarchy, quitted their lawful Ecclesiastical power; And so ought to continue free and exempted

exempted from all forreign Jurisdiction of any pretended Patriarch for evermore, according to the famous Canon of the General Council of *Ephesus*, which *Gregory* the Great revered as one of the four Gospels. Fourthly, that though the Authors of that Separation had not themselves been Roman Catholicks, and though the Acts or Statutes made for that end had not been meerly declarative, but also operative; And although *Brittain* had not been from the beginning both *de jure* and *de facto* exempted from Roman Jurisdiction, yet the King and Church of England had both sufficient authority and sufficient grounds to withdraw their obedience as they did. Fifthly, that all the Sovereign Princes and Republicks in *Europe* of the Roman Communion, whensoever they have occasion to reduce the Pope to reason, do either practise or plead for the same right, or both. Sixthly, that the Papacy it self (*quasalis*) as it is now maintained by many, with universality of Jurisdiction, or rather sole Jurisdiction, *Jure divino*, with superiority above General Councils, with infallibility of Judgment, and temporal power over Princes, is become by its rigid censures, and new Creeds, and Exorbitant decrees, in a great part actually, and altogether causally, guilty both of this and all the greater Schismes in Christendome.

3. Lastly, I will give a satisfactory answer to those objections, which those of the

Roman Communion do bring against us to prove us Schismaticks.

CHAP. 2.

The stating of the question what is Schisme, who are Schismaticks, and what is signified by the Church of England in this question.

Every passionate
heat not
Schisme,

E Very suddain passionate heat, or misunderstanding, or shaking of Charity amongst Christians, though it were even between the principal Pastors of the Church, is not presently Schisme; As that between Saint Paul and Barnabas in the Acts of the Apostles, who dare say that either of them were Schismaticks? or that between Saint Hierome and Ruffinus, who charged one another mutually with Heresie. Or that between Saint Chrysostome and Epiphanius, who refused to Joyn in prayers; Saint Chrysostome wishing that Epiphanius might never return home alive; And Epiphanius wishing that Saint Chrysostome might not dye a Bishop: both which things by the just disposition of Almighty God, fell out according to the passionate and uncharitable desires of these holy persons, who had Christian Charity still radicated in their hearts, though the violent torrent of sudden passion

passion did for the time bear down all other respects before it. These were but personal heats, which reflected not upon the publick body of the Church, to which they were all Ever ready to submit, and in which none of them did ever attempt to make a party, by gathering disciples to himself, such a passionate heat is aptly stiled by the Holy Ghost, *maes Eurguds*, a *paroxysme*, or a sharp fit of a feverish distemper, which a little time, without any other application, will infallibly remedy.

Acts 19. 39.

Secondly, every premeditated clashing of Bishops or Churches about points of doctrine or discipline long and resolutely maintained, is not presently criminous Schisme, so long as they forbear to censure and condemn one another, and to expel one another from their Communion, and are ready to submit to the determinations of a general Council. Such were the contentions of the *Roman* and *African* Bishops about rebaptization and appeals. It were hard to say, that those two blessed Saints, *Cyprian* and *Austine*, and all those pious Prelates who joyned with them lived and dyed Schismaticks. With this general truth agrees that of Doctor *Holden* fully, that *when there is a mutual division of two parts or members of the mystical body of the Church, one from the other, yet both retain Communion with the Universal Church, which for the most part springs from some doubtful opinion, or lesse necessary part of*

Ecclesiastical quarrels of long continuance not alwaies Schisme.

Hen Holden
Append. de
Schif. Act.
1. pag 484.

divine worship; quamcunq; partem amplexus fueris Schismaticus non audies, quippe quod universa ecclesia neutram damnarit, whatsoever part one take he is no Schismatick, because the universal Church hath condemned neither part. Whether he hold himself to this principle, or desert it, it is not my purpose here to discusse.

*Inidelity
unmasked,
Sc&. 176.
pag. 591.*

*Idem. pag.
516.*

But this is much sounder doctrine then that of Mr. Knott, that the parts of the Church cannot be divided one from another, except they be divided from the whole, because these things which are united to one third, are united also between themselves. Which error he would seem to have sucked from Doctor Potter, whom he either would not, or at least did not understand, That whosoever professeth himself to forsake the Communion of any one member of the body of Christ, must confesse himself consequently to forsake the whole. Of which he makes this use, That Protestants forsake the Communion of the Church of Rome, And yet do confesse it to be a member of the body of Christ, therefore they forsake the Communion of the whole Church. The answer is easie, that whosoever doth separate himself from any part of the Catholique Church as it is a part of the Catholick Church, doth separate himself from every part of the Catholick Church, and consequently from the Universal Church, which hath no existence but in its parts.

But

of the Church of England.

But if one part of the Universal Church do separate it self from another part, not absolutely, or in Essentials, but respectively in abuses and innovations, not as it is a part of the Universal Church, but only so far as it is corrupted and degenerated, it doth still retain a Communion, not onely with the Catholick Church, and with all Orthodox Members of the Catholick Church, but even with that corrupted Church from which it is separated, except onely in corruptions. We may well enlarge the former ground, that if two particular Churches shall separate themselves one from another, And the one retain a communion with the Universal Church, and be ready to submit to the determinations thereof; And the other renounce the Communion of the Universal Church, and contumaciously despise the Jurisdiction and the decrees thereof; the former continues Catholick, and the later becomes Schismatical. To shew that this is our present condition with the Church of Rome, is in part the Scope of this Treatise. They have subjected Oecumenical Councils, which are the Sovereign Tribunals of the Church, to the Jurisdiction of the Papal Court. And we are most ready in all our differences to stand to the judgment of the truly Catholick Church and its lawful Representative, a free general Council.

But we are not willing to have their virtual Church, that is the Court of Rome obtruded

truded upon us for the Catholick Church, nor a partial Synod of *Italians* for a free general Council.

The Separaters may be free from Schisme, and the other party guilty.

Act. 19.9.

1 Tim. 6.5.

Insd. unmasked,
Ch. 7. Sect.
112. pag.
534.

Thirdly, there may be an actual and criminal separation of Churches which formerly did joyn in one and the same Communion; And yet the Separaters be innocent, and the persons from whom the separation is made be nocent and guilty of Schisme, because they gave just cause of separation from them: It is not the separation, but the cause that makes the Schisme. Saint *Paul* himself made such a separation among his disciples: And *Timothy* is expressly commanded, that if any man did teach otherwise, and consented not to wholesome words, even to the words of our Lord *Jesus Christ*, and to the doctrine which is according to godlinesse, ἀφίσταν ἀπὸ τῶν τοιούτων, withdraw thy self, stand aloof, or separate thy self from such persons: It is true, that they who first desert and forsake the Communion of their Christian brethren, are Schismatics; but there is a moral defection as well as local: It is no Schisme to forsake them, who have first themselves forsaken the common faith; wherein we have the confession of our adversaries, *They who first separated themselves from the primitive pure Church, and brought in corruptions in faith, practice, Liturgy, and use of Sacraments, may truly be said to have been hereticks, by departing from the pure faith; and Schismatics, by dividing themselves from the*
external

external communion of the true uncorrupted Church. It is no Schisme to separate from hereticks and Schismaticks in their heresie and Schisme. This is all the Crime which they can object to us. The Court of Rome would have obtruded upon us new articles of faith, we have rejected them; They introduced unlawful rites into the Leiturgies of the Church, and use of the Sacraments, we have reformed them for our selves: They went about to violate the just liberties and priviledges of our Church, we have vindicated them. And for so doing they have by their Censures and Bulls separated us and chased us from their communion; where lies the Schisme?

Fourthly, to withdraw obedience from a particular Church, or from a lawful Superiour, is not alwaies criminous Schisme. Particular Churches may sometimes erre, and sometimes clash with the universal Church. Patriarchs and other subordinate Superiours may erre, and sometimes abuse their authority, sometimes forfeit their authority, sometimes disclaim their authority, or usurp more authority then is due unto them by the Canons. They would perswade us, that obedience is to be yeilded to a Church determining errours in points not fundamental. But they confound obedience of acquiescence with obedience of conformity. They forget willingly that we acknowledge not that they ever had any lawful authority over us;

To withdraw obedience is not alwaies criminous Schisme.

Idem. pag. 481.

par in parem non habet potestatem. Equals have no Jurisdiction over their equals. The onely difficulty is, that this seems to make Inferiours Judges of their Superiours, the flock of their Pastour, the Clergy of their Bishop, the Bishop of his Metropolitan, the Metropolitan of his Patriarch; whereas in truth it onely gives them a Judgment of discretion, and makes them not to be Judges of their Superiours, but onely to be their own Judges, *salvo moderamine inculpatæ tutelæ*, to preserve themselves from sin or heresie obtruded upon them under the specious pretences of obedience and Charity. This is not *deficere*, but *prospicere*; not to renounce due obedience to their lawful Superiours, but to provide for their own safety.

Some things are so evident, that the Judgment of the Church or a Superiour is not needfull. Some things have been already judged and defined by the Church, and need no new determination.

If a Superiour presume to determine contrary to the determination of the Church, it is not rebellion but loyalty to disobey him.

Theod. l. 4.

c. 14.

When *Eunomius* the Arrian was made Bishop, not one of his flock, rich or poor, young or old, man or woman, would communicate with him in the publick service of God, but left him to officiate alone. When *Nestorius* did first publish his heresie in the Church

in

of the Church of England.

13

in these words, *If any man call the Virgin Mary the Mother of God, let him be accursed*; the people made a noise, run out of the Church, and refused ever after to communicate with him. *Valentinian* the Emperour shunned the communion of *Sixtus* the third. Many of the Roman Clergy withdrew themselves from the communion of *Anastasius* their Bishop, because he had communicated with the *Acatians*. *Rusticus* and *Sebastianus*, two of the Popes chiefest Deacons, did not onely themselves forbear the Communion of *Vigilius*, but drew with them a good part of the Church of Rome, and other Occidental Churches.

It cannot be denied, but that among many examples of this Lyne, some are reprehensible, not because they did arrogate to themselves a liberty which they had not, but because they abused that liberty which they had, either by mistaking the matter of fact, or by presuming too much upon their own judgments.

To prevent which inconveniencies, the eighth Synod decreed, not by way of censure, but of caution, as a preservative from such abuses for the future, that no Clerk before diligent examination and Synodical sentence, should separate himself from the communion of his proper Bishop, no Bishop of his Metropolitan, no Metropolitan of his Patriarch,

Cyrl. ep. 18. ad Calcephum.

Tom. 1. Conc. lib. Rom. Pont. in Anast.

Libel. ad mancis. apud Bar. 10. 8. an. 590. an. 39.

8. Syn. c. 10.

Then

What is
single
Schisme.

I Cor. I.
Yo.

I Cor. 3.3

Then what is Schisme? Schisme signifies a criminous scissure, rent, or division in the Church, an Ecclesiastical Sedition, like to a mutiny in an Army, or a faction in a State. Therefore such ruptures are called by the Apostle indifferently *of names*, or *discrepancies*, Schismes or seditious segregations of an aggregate body into two opposite parties: And there seems to me to be the same difference between heresie properly so called, and Schisme, which is between an inward sickness, and an outward wound or ulcer. Heresie floweth from the corruption of faith within; Schisme is an exteriour breach, or a solution of continuity in the body Ecclesiastick: Consider then by what nerves and Ligaments the body of the Church is united and knit together, and by so many manner of ruptures it may be schismatically rent or divided asunder.

Wherein
internal
Communi-
on doth
consist.

The Communion of the Christian Catholick Church is partly internal, partly external. The internal Communion consists principally in these things: To believe the same intire substance of saving necessary truth revealed by the Apostles, and to be ready implicitly in the preparation of the mind to embrace all other supernatural verities when they shall be sufficiently proposed to them; To judge charitably one of another; To exclude none from the Catholick Communion and hope of salvation, either Eastern, or Western, or Southern, or Northern

Northern Christians, which professe the ancient faith of the Apostles and primitive Fathers, established in the first general Councils, and comprehended in the Apostolick *Nicene* and *Athanasian* Creed, To rejoyce at their well-doing, To sorrow for their sins, To condole with them in their sufferings, To pray for their constant perseverance in the true Christian Faith, for their reduction from all their respective errors, and their re-union to the Church in case they be divided from it, that we may be all one sheepfold under that one great Shepherd and Bishop of our Soules. And lastly, to hold an actual external Communion with them *in Votis*, in our desires, and to endeavour it by all those means which are in our power. This internal Communion is of absolute necessity among all Catholics.

External Communion consists first in the same Creeds or Symbols, or Confessions of Faith, which are the ancient badges or cognisances of Christianity. Secondly, in the participation of the same Sacraments. Thirdly, in the same external worship and frequent use of the same divine offices or Leiturgies, or Forms of serving God. Fourthly, in the use of the same publick Rites and Ceremonies. Fifthly, in giving communicatory Letters from one Church or one person to another. And lastly, in admission of the same discipline, and subjection to the same
supream

Wherein
External
Communion doth
consist.

supream Ecclesiastical authority, that is, Episcopacy, or a general Council; for as single Bishops are the heads of particular Churches, so Episcopacy, that is, a general Council, or Oecumenical Assembly of Bishops, is the head of the universal Church.

External
Communion
may
be suspen-
ded.

Internal communion is due alwaies from all Christians to all Christians, even to those with whom we cannot communicate externally in many things, whether *credenda*, or *agenda*, opinions or practises. But external actual communion may sometimes be suspended more or lesse by the just censures of the Church, *claye non errante*. As in the primitive times some were excluded *a cœtu participantium*, Only from the use of the Sacraments; others moreover, *a cœtu procumbentium*, both from Sacraments and Prayers; others also, *a cœtu audientium*, from Sacraments, Prayers, and Sermons: and lastly, some, *a cœtu fidelium*, from the society of Christians. And as external communion may be suspended, so likewise it may sometimes be waved or withdrawn by particular Churches or persons from their neighbour Churches or Christians in their innovations and errors. Especially when they go about to obtrude new fancies upon others for fundamental truths and old Articles of faith. Christian charity is not blind so as not to distinguish the integral and essential parts of the body, from superfluous wens and excrescences. The Canons do not oblige Christians to the arbitrary

And with-
drawn.

bitrary dictates of a Patriarch, or to suck in all his errors, like those servile flatterers of *Dionysius* the *Sicilian* Tyrant, who licked up his very spittle, and protested it was more sweet than Nectar.

Neither is there the like degree of obligation to an exact Communion in all Externals. There is not so great conformity to be expected in Ceremonies, as in the Essentials of Sacraments, (the Queens daughter was arrayed in a garment wrought about, with divers colours) nor in all Sacraments improperly and largely so called by some persons at some times, as in Baptisme and the holy Eucharist, which by the consent of all parties are more general, more necessary, more principal Sacraments. Neither is so exact an harmony and agreement necessary in all the explications of articles of faith, as in the Articles themselves; nor in superstructions, as in fundamentals, nor in Scholastical opinions, as in catechetical grounds. Nor so strict and perpetual an adherence required to a particular Church, as to the Universal Church; nor to an Ecclesiastical constitution, as to a divine Ordinance, or Apostolical tradition. Humane priviledges may be lost by disuse, or by abuse. And that which was advisedly established by humane authority, may by the same authority upon sufficient grounds and mature deliberation be more advisedly abrogated. As the limits and distinctions of Provinces and Patriar-

There is not the like necessity of communicating in all Externals.

chates were at first introduced to comply with the civil government, according to the distribution of the Provinces of the Roman Empire, for the preservation of peace and unity, and for the ease and benefit of Christians, so they have been often, and may now be changed by Sovereign and Synodical authority, according to the change of the Empire, for the peace and benefit of Christendom.

Christian
Communi-
on implies
not unity
in all opi-
nions.

Neither the rules of prudence, nor the Lawes of Piety, do oblige particular Churches or Christians to communicate in all opinions and practises with those particular Churches or Christians with whom they hold Catholick communion. The *Roman* and *African* Churches held good communion one with another, whilst they differed both in judgment and practise about rebaptization. Cannot one hold communion with the Fathers that were Chiliafts, except he turn Millenary?

The British Churches were never judged Schismatical, because they differed from the rest of the West about the observation of Easter. We see that all the famous and principal Churches of the Christian World, *Gratian, Roman, Protestant, Armenian, Abissene*, have their peculiar differences one with another, and each of them among themselves. And though I am far from believing, that when Logomachies are taken away, their real dissensions are half so numerous,

merous, or their errours half so foul, as they are painted out by their adversaries; (æmulation was never equal Judge,) And though I hope Christ will say, *Come ye blessed*, to many, whom fiery Zelots are ready to turn away with *Go ye cursed*, yet to hold communion with them all in all things, is neither lawful nor possible.

Yea, if any particular Patriarch, Prelate, Church, or Churches, how eminent soever, shall endeavour to obtrude their own singularities upon others for Catholique verities, or shall injoyne sinful duties to their Subjects, or shall violate the undoubted priviledges of their inferiours, contrary to the Canons of the Fathers; It is very lawful for their own Subjects to disobey them, and for strangers to separate from them. And if either the one or the other have been drawn to partake of their errours, upon pretence of obédience or of Catholique communion, they may without the guilt of Schisme, nay they ought to reform themselves, so as it be done by lawfull authority, upon good grounds, with due moderation, without excessse, or the violation of Charity: And so as the separation from them be not total, but onely in their errours and innovations; nor perpetual, but onely during their distempers. As a man might leave his fathers, or his brothers house being infected with the Plague, with a purpose to return thither again so soon as it was cleansed. This is no

Reg. mor.
lit. p. æc.
decal. lib. de
A.P. Conf.
14.

more then what Gerson hath taught us in sundry places: It is lawful by the Law of nature to resist the injury and violence of a Pope. And if any one should convert his Papal dignity to be an instrument of Wickednesse to the destruction of any part of the Church in temporalities, or spiritualities; And if there appeares no other remedy but by withdrawing ones self from the obedience of such a raging power, untill the Church or a Councel shall provide otherwise, it is lawful. He addes further, That it is lawful to sleight his sentences, yea to tear them in pieces, and throw them at his head.

De unit. eccl.
conf. 10.

Lib. 2. de
Rom. pont.
c. 29.

Bellarmino in effect saith as much; As it is lawful to resist the Pope if he should invade our bodies; So it is lawful to resist him invading of soules, or troubling the Common-Wealth: And much more if he should endeavour to destroy the Church; I say it is lawful to resist him by not doing that which he commands, and by hindering him from putting his will in execution. We ask no more. The Pope invaded our soules by exacting new Oaths, and obtruding new Articles of faith. He troubled the Common-Wealth with his extorsions and usurpations: He destroyed the Church by his provisions, reservations, exemptions, &c. we did not judge him, or punish him, or depose him, or exercise any jurisdiction over him, but onely defended our selves, by guarding his blowes, and repelling his injuries.

I may not here forget Saint Ignatius the
Patriarch

Patriarch of Constantinople, whom Pope John the eighth excommunicated for detaining the Jurisdiction of Bulgaria from the See of Rome: But he disobeyed the Popes censures, as did also his Successours, and yet was reputed a Saint after his death; whom Baronius excuseth in this manner, *Neque est ut qui ob litern hanc, &c.* Let no man think that for this controversie Ignatius was either disaffected to the Roman See or ingrateful, seeing he did but defend the rights of his own Church, to which he was bound by oath under pain of eternal damnation. If it be not only lawful but necessary (in the Judgment of Baronius) yea necessary under the pain of damnation, for every Bishop to defend the rights of his particular See, against the incroachments and usurpations of the Roman Bishop, and to contemn his censures in that case as invalid; How much more is it lawful, yea necessary for all the Bishops in the world to maintain the right of their whole order, and of Episcopacy it self, against the oppressions of the Court of Rome, which would swallow up, or rather hath swallowed up all original Jurisdiction, and the whole power of the Keyes. From this Doctrine Doctour Holden doth not dissent, *Non tamen is ergo sum, &c.* Yet I am not he who dare affirm, that diseases and bad manners and humours may not sometimes be mingled in any Society or body whatsoever; yea I confesse that such kinds of faults are sometimes to be plucked up by the roots, and the over-luxu-

Bar tom. 10.
an. 878.

Append. de
Schismat.
Art. 4.
p. 516.

touch

rious branches to be pruned away with the hook. It is true, he would not have this reformation in Essential Articles, (we offered not to touch them,) nor without the consent of lawful Superiours: we had the free and deliberate consent of all our Superiours both Civil and Ecclesiastical. A little after he addes, *I confesse also, that particular and as it were private abuses, which have onely infected some certain persons or Church, whether Episcopal or Archiepiscopal, or National, may be taken away by the care and diligence of that particular Congregation: we attempted no more.*

The sorts
of Schisme.

We see then what meer Schisme is, a culpable rupture or breach of the Catholick communion; A loosning of the band of peace, a violation of Christian charity, a dissolving of the unity and continuity of the Church; And how this crime may be committed inwardly by temerarious and uncharitable judgment; when a man thinks thus with himself, *Stand from me, for I am holier then thou.* By lack of a true Christian Sympathy or fellow-feeling of the wants and sufferings of our Christian brethren: By not wishing and desiring the peace of Christendome, and the reunion of the Catholique Church. By not contributing our prayers and endeavours for the speedy knitting together and consolidating of that broken bone. And outwardly by rejecting the true badges and cognisances of Christians, that

is, the ancient Creeds. By separating a mans self without sufficient ground from other Christians in the participation of the same Sacraments, or in the use of the same divine Offices, and Leiturgies of the Church, and publick worship and service of Almighty God, or of the same common rites and ceremonies. By refusing to give communicatory Letters to Catholique Orthodox Christians. By not admitting the same discipline, and by denying or withdrawing our obedience unlawfully from lawful Superiours, whether it be the Church universal, or particular, essential or representative, or any single Superiour, either of divine or humane institution. By separating of themselves from the communion of the Catholick Church, as the *Novatians*; or by restraining the Catholique Church unto themselves, as the *Donatists* of old, and the *Romanists* at this day.

What the Catholique Church signifies, was sufficiently debated between the Catholique Bishops, and the Schismatical Donatists at the Colloquie of *Carthage*; Neither the Church of *Rome* in Europe, nor the Church of *Cartenna* in *Afrique*, with the several Churches of their respective communions, but the whole Church of Christ spread abroad throughout the whole world. *Afromm Christianorum catholicorum hac vox est, &c.* This is the voyce of the African catholick Christians, we are joyned in communion with

What the Catholick Church signifies.

Colat. Carth. Col. 3.

the whole Christian world; This is the Church which We have chosen to be maintained, &c.

Each member of the Catholick Church is Catholick inclusively.

Now the Catholique Church being *totum homogeneum*, every particular Church, and every particular person of this Catholique communion doth participate of the same name inclusively, so as to be justly called Catholique Churches, and Catholick Christians: But not exclusively, to the prejudice or shutting out of other Churches, or other persons. As the King of Spain styles himself, and is stiled by others the Catholick King, not as if he were an universal Monarch, or that there were no other Sovereign Princes in the world but himself; So the Church of Rome is called a Catholick Church; and the Bishop of Rome a Catholique Bishop: And yet other Churches and other Bishops may be as Catholick, and more Catholick then they. I like the name of Catholick well, but the addition of Roman is in truth a diminution.

Schisme is changeable.

Schisme for the most part is changeable, and varies its Symptomes as the Chamæleon colours. As it was said of the Schisme of the Donatists, that *the passion of a disordered woman brought it forth, Ambition nourished it, and covetousnesse confirmed it.* And therefore it is as hard a task to shape a coat for Schismatics, as for the Moon, which changeth its shape every day. The reason is, because having once deserted the Catholick communion, they find no beaten path to walk in, but

but are like men running down a steep hill that cannot stay themselves, or like sick persons that trosse and turn themselves continually from one side of their bed to the other, searching for that repose which they do not find: Hence it comes to passe, that Schisme is very rarely found for any long space of time without some mixture of heretical pravity, it being the use of Schismatics to broach some new doctrine for the better justification of their separation from the Church. Heretical errours in point of faith do easily produce a Schisme and Separation of Christians one from another in the use of the Sacraments, and in the publick service of God; As the Arrian heresie produced a different doxology in the Church, The Orthodox Christian saying, *Glorie be to the Father, and to the Son, and to the holy Ghost*; And the heretical Arrian, *Glory be to the Father by the Son, in the Spirit*. So of later times, the opinions of the lawfulness of detaining the cup from the Laity, and of the necessity of adoring the Sacrament, have by consequence excluded the Protestants from the participation of the Eucharist in the Roman Church. Thus Heresie doth naturally destroy unity and uniformity: That is one Symptome of Schisme.

And for the most part complicated with heretical pravity,

But it destroyes order also, and the due subordination of a flock to their lawful Pastor, nothing being more common with hereticks,

hereticks, then to contemne their old guides, and to choose to themselves new teachers of their own factions, and so erect an altar against an altar in the Church: That is another principal branch of Schisme. So a different faith commonly produceth a different discipline, and different formes of worship.

Four waies
to become
heretical.

u A man may render himself guilty of heretical pravity four wayes. First, by disbelieving any fundamental article of faith, or necessary part of saving truth, in that sense in which it was evermore received and believed by the universal Church. Secondly, by believing any superstitious errors or additions which do virtually by necessary and evident consequence subvert the faith, and overthrow a fundamental truth. Thirdly, by maintaining lesser errors obstinately after sufficient conviction. But because that consequence which seems clear and necessary to one man, may seem weak and obscure to another; And because we cannot penetrate into the hearts of men, to judge whether they be obstinate, or do implicitly and in the preparation of their minds believe the truth, it is good to be sparing and reserved in censuring hereticks for obstinacy. Fourthly, by maintaining lesser errors with frowardnesse and opposition to lawfull determinations. Though it be not in the power of any Council, or of all the Councils in the world, to make that truth funda-
mental

mental which was not fundamental, or to make that proposition heretical in it self, which was not heretical ever from the daies of the Apostles; Or to increase the necessary Articles of the Christian faith, either in number or substance; yet when inferiour questions not fundamental are once defined by a lawful general Council, All Christians, though they cannot assent in their judgments, are obliged to passive obedience, to possesse their soules in patience. And they who shall oppose the authority, and disturb the peace of the Church, deserve to be punished as hereticks.

To summe up all that hath been said; Whosoever doth preserve his obedience intire to the universal Church, and its representative a General Council, and to all his Superiours in their due order, so far as by Law he is obliged, who holds an internal communion with all Christians, and an external communion so far as he can with a good conscience, who approves no reformation but that which is made by lawfull authority, upon sufficient grounds, with due moderation, who derives his christianity by the uninterrupted line of Apostolical Succession, who contents himself with his proper place in the Ecclesiastical body, who disbelieves nothing contained in holy Scripture, and if he hold any errors unwittingly and unwillingly, doth implicitly renounce them by his fuller and more firm adherence

Who are
Catho-
liques,

to that infallible rule, who believeth and practiseth all those *credenda* and *agenda*, which the universal Church spread over the face of the earth doth unanimously believe and practise as necessary to salvation, without condemning or censuring others of different Judgement from himself in inferiour questions, without obtruding his own opinions upon others as Articles of faith, who is implicitly prepared to believe and do all other speculative and practical truths, when they shall be revealed to him: And in summe, *qui sententiam diversa opinionis vinculo non praponit unitatis*, that prefers not a subtlety or an imaginary truth before the bond of peace; He may securely say, *My name is Christian, my surname is Catholique.*

*Aug. l. 2.
cont. casc.*

Who are
Schismatics.

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From hence it appeareth plainly, by the rule of contraries, who are Schismatiques; whosoever doth uncharitably make ruptures in the mystical body of Christ, or sets up altar against altar in his Church, or withdrawes his obedience from the Catholique Church, or its representative a General Council, or from any lawful Superiours, without just grounds; whosoever doth limit the Catholique Church unto his own sect, excluding all the rest of the Christian world, by new doctrines, or erroneous censures, or tyrannical impositions; whosoever holds not internall Communion with all Christians; and externall also, so far as they
continue

continue in a Catholique constitution; whosoever not contenting himself with his due place in the Church, doth attempt to usurp an higher place, to the disorder and disturbance of the whole body; whosoever takes upon him to reform without just authority, and good grounds. And lastly, whosoever doth wilfully break the line of Apostolical Succession, which is the very nerves and sinewes of Ecclesiastical unity and communion, both with the present Church, and with the Catholique Symbolical Church of all successive ages; He is a Schismatick (*qua talis*,) whether he be guilty of heretical pravity or not.

Now having seen who are Schismatics, for clearing the state of the Question, Whether the Church of England be Schismatical or not, it remaineth to shew in a word, what we understand by the Church of England.

First, we understand not the English Nation alone, but the English Dominion, including the *Brittish*, and *Scottish* or *Irish* Christians; for Ireland was the right *Scotia major*, and that which is now called *Scotland*, was then inhabited by Brittish and Irish, under the names of *Picts* and *Scots*.

What is understood by the Church of England.

Secondly, though I make not the least doubt in the world, but that the Church of England before the reformation, and the Church of England after the reformation, are as much the same Church, as a garden before

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What is understood by the Church of England.

Secondly, though I make not the least doubt in the world, but that the Church of *England* before the reformation, and the Church of England after the reformation, are as much the same Church, as a garden before

• before it is weeded, and after it is weeded, is
• the same garden; or a vine, before it be pruned,
• and after it is pruned and freed from the Luxuriant branches, is one and the same vine: yet because the Roman Catholiques do not object Schisme to the Popish Church of England, but to the reformed Church, Therefore in this question, by the Church of *England*, we understand that Church which was derived by lineal succession from the Brittish, English, and Scottish Bishops, by mixt ordination, as it was legally established in the daies of King *Edward* the sixth, and flourished in the raings of Queen *Elizabeth*, King *James*, and King *Charles* of blessed memory, and now groanes under the heavy yoke of persecution, whether this Church be Schismatical by reason of its secession and separation from the Church of *Rome*, and the supposed withdrawing of its obedience from the Patriarchal Jurisdiction of the Roman Bishop? As for other aspersions of Schisme, of lesser moment, we shall meet with them in our answers to their Objections.

CHAP. III.

That the separation from Rome was not made by Protestants, but by Roman Catholicks themselves.

THis being the state of the Question, I proceed to examine the first ground or proposition: That the English Protestants were not the first authors of the separation, but principally Roman Catholiques, great Advocates in their dayes, and Pillars of the Roman Church. Whether the Act or Statute of Separation were operative or declarative, creating new right, or manifesting, or restoring old right, whether the power of the Roman Court in England was just or usurped, absolute and immutable, or conditional and changeable; whether the possession thereof was certain and settled, or controverted and unquiet, (though so man thoroughly versed in our Lawes and Histories can reasonably doubt of these things,) This is undeniably true, that the secession and subtraction of obedience was not made by our reformers, or by any of their friends or favourers, but by their capital Enemies and persecutors, by Zelots of the Roman Religion.

Roman Catholicks first authors of the separation from Rome.

And

Act. and
Mon p. 965.
Regist. episc.
Uni. Oxon.
ep. 210.

Sac. Syn. an.
1530. et
an. 1532.

24 Hen. 8.
c. 12.
Romanists
first gave
the King
the title of
Head of the
Church.

And this was not done secretly in a corner, but openly in the sight of the Sun, disputed publicly, and determined before-hand, in both our Universities, which after long deliberation, and much disputation, done with all diligence, zeal and conscience, made this final resolution and profession, *Tandem in hanc sententiam unanimiter convenimus, ac concordēs fuimus, videlicet Romanum Episcopum majorem aliquam Jurisdictionem non habere sibi à deo collatam in sacra Scriptura in hoc Regno Anglia, quam alium quemvis externum Episcopum.* That the Roman Bishop had no greater Jurisdiction within the Kingdome of England conferred upon him by God in holy Scripture, then any other forreign Bishop. After this the same was voted and decreed in our National Synods; and lastly, after all this, received and established in full Parliament, by the free consent of all the Orders of the Kingdom, with the concurrence and approbation of four and twenty Bishops, and nine and twenty Abbats, then and there present. To passe by many other Statutes, take the very words of one of the main Acts it self, *That England is an Empire, and that the King as Head of the body politick consisting of the Spirituality and temporality, hath plenary power to render final Justice for all matters, &c.* First, *England is*, that is, originally, not shall be by vertue of this Act; what is it? *an Empire.* If it be an Empire, then the Sovereignes thereof have the same priviledges and prerogatives

rogatives within their own Dominions, which the old Emperours had in theirs. If the King be head of the body politic consisting of the spirituality and temporality, then in England the King is the political head of the Clergy, as well as of the Laity. So he ought to be, and not be onely, but all the Sovereign Princes throughout the World, by the very Law of Nature.

What becomes now of that grand exception against Protestants, for making their King the Head or Sovereign Governour (for these two are convertible terms) of the English Church or Clergy? A title first introduced by Roman Catholicks, and since waved and laid aside by Protestants, not so much for any malignity that was in it, as for the ill sounds sake, because it seemed to intrench too much upon the just right of our Saviour, and being subject to be misunderstood, gave offence to many well affected Christians. And what doth this Law say more then a great Cardinal said not long after? One that was as near the Papacy as any that ever mist it, and was thought to merit the Papacy as well as any that had it, in his daies. I mean Cardinal Pool in his Book *de concilio, Hoc munus Imperatoribus Christi fidem professis Deus ipse Pater assignavit, ut Christi filii dei vicarias partes gerant*, God the Father hath assigned this office to Christian Emperours, that they should act the part of Christ the Son of God, (in General Councils.)

Resp. ad
quest. 74.

D

And

Resp. ad
qu. 75.

And yet more fully in his answer to the next question, *Pontifex Romanus ut caput sacerdotale Vicarias Christi veri capitis partes gerit, at Caesar ut caput regale, &c.* The Pope as a Priestly head doth execute the Office of Christ the true Head; but we may also truly say, that the Emperour doth execute the office of Christ as a Kingly Head. And so he concludeth; Christ said of himself, *All power is given me both in heaven and earth: In utraq; ergo potestate, &c.* Therefore we cannot doubt but Christ hath his Deputies for both these powers; The Pope in the Church, the Emperour in the Common-Wealth. Thus writes the Popes own Legate to his Brother Legates in the *Tridentine* Council, when he desired to favour his Master as much as he could.

But I proceed to our Statute; The King of England hath, that is, already in present, by the fundamental constitution of the Monarchy; not shall have from henceforth, *plenary power*, without the License or help or concurrence of any forrain Prelate or Potentate; *plenary*, not solitary: To render final Justice, that is, to receive the last appeales of his own Subjects, without fear of any review from Rome, or at Rome, for all matters Ecclesiastical and temporal; Ecclesiastical by his Bishops, Temporal by his Judges. There is great difference between a Kings administering Justice in Ecclesiastical causes by himself, and by his Bishops. Listen to the

Conc. Mil. 2.

Canon of the *Milevitan* Council: It hath pleased

pleased the Synod, that what Bishop soever shall request of the Emperour the cognisance of publick judgment (in some cases) he be deprived of his honour. But if he petition to the Emperour for Episcopal judgment, (that is, to make Bishops his Deputies or Commissioners to hear it) it should not prejudice him. They forbid a Bishop of his own accord, in these daies, and in some cases to make his first addresse for Justice to a secular Magistrate; But they do not forbid him to appear before a secular Magistrate being cited; And they allow him in all cases though of pure Ecclesiastical cognisance, to seek to a Sovereign Prince for an equal indifferent hearing by Bishops delegated and authorised by him.

The testimony of this Statute is so clear and authentick in it self, that it need not be corroborated with any other acts of the same kind. Yet three things are urged against it. First, that *Henry* the Eighth at this time was a favourer of the Protestants. Secondly, that he cared not for Religion, but looked onely to the satisfaction of his own humours and lusts. Thirdly, that to withhold due obedience, is as Schismatical as to withdraw it; And that the reformed Church of *England* may be innocent of the one, and yet guilty and accessory to the other.

To the first exception I reply, That *Henry* the eighth was so far both then and long after from being a friend or favourer of the Protestants,

Henry the 8th no friend to the Protestants.

*Hist. Conc.
Trid.*

Protestants, that he was a most bitter persecutor of them. After this the Pope himself, (though he was not well pleased to lose so sweet a morsel as *England* was) so well approved of *Henry* the Eighth's rigorous proceedings against the Protestants, that he proposed him to the Emperour as a pattern for his imitation. Insomuch as some strangers in those daies coming into England, have admired to see one suffer for denying the Popes Supremacy, and another for being a Protestant at the same time. So though they looked divers waies, yet like *Sampsons* Foxes each had his firebrand at his taile.

But to clear this point home, there needs no more but to view the order of the Statutes made concerning Religion and Ecclesiastical Jurisdiction in the raign of that King.

- 23. H. 8. The Act for no person to be cited out of his own Diocesse, except in certain cases.
- 24. H. 8. The Act prohibiting all appeales out of
- 25. H. 8. *England* to the Court of *Rome*. The Act for the submission of the Clergy to the King. The Act for payment of first fruits to the Crown: An Act for Exoneration from all exactions of the Court of *Rome*. The Act declaring the King to be Supream Head of the Church of *England*: An Act against Popish Bulls, Faculties, and Dispensations: And the Act for utterly extinguishing the usurped authority of the Roman
- 26. H. 8.

Roman Bishop were all, or the most of them enacted before the eight and twentieth year of *Henry* the Eighth. And if my notes fail me not ; (for we are chased from our books) they were all received and established in *Ireland* the very same year, the Lord *Gray* being then Lord Deputy of *Ireland*. All this while there were no thoughts of any reformation ; All this while the Protestants found little grace from King *Henry* ; nor indeed throughout his whole raign, ordinarily.

18. H. 8.

As for the suppression of Monasteries in his time, I shall deal clearly, and declare what I conceive to be the judgment of moderate English Protestants concerning that Act. First, we feare that covetousnesse had a great oare in the boat, and that sundry of the principal Actors had a greater aime at the goods of the Church, then at the good of the Church : Or otherwise why did they not (as they pretended and gave out) preserve the spoiles of the cloisters for publick and charitable uses, as the foundation of Hospitalls, and freeing the common Wealth from a great part of its necessary charges ? why did they not restore the appropriated, (or as we call them truly impropriated tythes) to the Incumbents and lawful owners, who had actuall cure of souls from whom they had been unjustly withheld, especially considering that in some parishes the poore vicars stipend

The Authors opinion of Monasteries.

Supplication of beggars.

was not sufficient to maintain a good Plowman. The Monks pretended that they had able members to discharge the cure of souls, and what difference whether the Incumbent were a single person, or an aggregated body? But what meer Lay-men could pretend is beyond my understanding.

Secondly, we examine not whether the abuses which were then brought to light were true or feined; but this we believe, that foundations which were good in their original institution ought not to be destroyed for accessary abuses; or for the faults of particular persons. So we should neither leave a Sun in heaven, for that hath been adored by Pagans; nor a spark of fire, or any eminent creature, how beneficial soever upon earth, for they have all been abused. Therefore *Licurgus* is justly condemned, because out of an hatred to drunkenness he cut down all the Vines in *Sparta*; whereas he should have brought the fountains of water nearer.

Thirdly, when the Clergy in a Kingdome are really, (and not upon the feined pretenses of Sacrilegious persons) grown to that excessive Grandeur, that they quite overballance the Laity, and leave the common wealth, neither sufficient men nor sufficient means to maintain it self, it is lawful by prudent lawes to restrain their further growth, as our Ancestors and all the nations of *Europe* have done by prohibiting

biting new foundations of Religious houses, and the alienation of Lands to the Church, without special License; As we shall see hereafter. And if the excess be so exorbitant, that it is absolutely and evidently destructive to the constitution of the common wealth, it is lawfull (upon some conditions and cautions not necessary to be here inserted) to prune the superfluous branches and to reduce them to a right temper and *equilibrium*, for the preservation and well-being of the whole body Politick. It hath been alwayes held lawful in some cases to alienate some things, that had formerly been given to the Church, as for the redemption of Christian Captives, for the sustenance of poor Christians, who are living Temples, in the daies of famine, and for preservation of the Church it self from demolition; But Eradication, to pluck up good institutions root and branch, is not reformation which we professe, but destruction.

To conclude this digression. So as Monasteries were moderated in their number, and in their revenues; So as the Monks were restrained from meddling between the Pastor and his flock, that is the Bark and the Tree, as it was of old, *Monachus in oppido, Piscis in arido*, a Monk in a great town was thought like a little fish upon dry land. So as the abler sort, who are not taken up with higher studies or weightier im-

ments, were inured to bestow their spare hours from their devotions in some profitable labour for the publick good, that idleness might be stripped of the cloak of contemplative devotion. So as the vow of perpetuall celibate were reduced to the forme of our English Vniversities, so long a fellow, so long unmarried, or of the Canonesses & Biggins, on the other side the Seas, which are no longer restrained from wedlock then they retain their places or habits; So as their blind obedience were more enlightened, and secured by some certain rules and bounds. So as their mock poverty (for what is it else to professe want and swim in abundance,) were changed into a competent maintenance; And lastly, So as all opinion of satisfaction and supererogation were removed, I do not see why monasteries might not agree well enough with reformed devotion.

Henry the
8th. no
friend to
Prote-
stants.
31. Hen. 8.

So then *Henry* the eighth at the time of his secession from *Rome*, and long after, even so long as he lived, was neither friend nor favourer of the ensuing reformation, nor ordinarily of Protestants in their persons. As may yet more manifestly appear by that cruel statute of the Six Articles; which he made after all this in the one and thirtieth year of his raign as a trap to catch the Lives of the poore Protestants. A Law both writ in blood, and executed in blood.

But

But suppose that *Henry* the eighth had been a friend to Protestants, what shall we say to all the Orders of the Kingdom? what shall we say to the Synods, to the Universities, to the four and twenty Bishops, and nine and twenty Abbats, who consented to this Act? were all these Schismatics? were *Heath, Bonner, Tonstall, Gardiner, Stokesley, Thurlaby, &c.* all Schismatics? If they were, then Schismatics were the greatest opposers of the reformation, the greatest enemies of the Protestants, and the greatest pillars and upholders of the Roman religion. These were they that granted the Supremacy to King *Henry* the eighth, Archbishop *Warham* told him it was his right to have it before the Pope. These were they that preached up the Supremacy of the King at *S. Paul's* Crosse, and defended his Supremacy in printed books. These consented to the Acts of Parliament for his Supremacy, and the extinguishing of the power of the Roman Bishop in England. These were they who helped to make the oath of Supremacy, and took it themselves, and all others of any note throughout *England*, except onely *Fisher* Bishop of *Rochester*, and Sir *Thomas Moor*, who were in prison before it was enacted for opposing the Kings Marriage, and the succession of his Children to the Crown, after it was ordained in Parliament. And wise men have thought that the former had taken it, if he had not been retarded

Much lesse those who joyned with him in the separation from Rome.

Att. & Mon. an. 1510. Conc. Tonst. et Longlands.

Hist. aliquot mart. et edit. an. 1550. Apol. sac. Reg. pro jur. fidel. p. 125.

England
unanimous
in casting
out the
Pope.

de vera
obed.

Cited by
King James
in his tri-
plici modo
triplex cu-
mens print.
an. 1609.
p. 125.
and Ireland.

tarded by the expectation of a Cardinals hatt, which was come as far as *Calice*.

Or rather what shall we say to the whole body of the Kingdome, if we may believe the testimony of *Stephen Gardiner* Bishop of *Winchester*, a learned person of very near relation to King *Henry*, and in all other things a great Zelot of the Roman Catholick party, in his book of true obedience, published with a Preface to it made by Bishop *Bonner*. Thus he, *No forrein Bishop hath authority among us; All sorts of people are agreed with us upon this point with most stedfast consent, that no manner of person bred or brought up in England hath ought to do with Rome.* A full confession of an able adversary, to which I see not what can be excepted, unlesse it be said of him, as it was of *Aeneas Sylvius*, *Stephanus probavit, Wintoniensis negavit*, Doctor *Gardiner* approved it, but the Bishop of *Winchester* retracted it. Admit it were so, as it was indeed, what is that to the stedfast unanimous consent of the whole Kingdome? which appears not onely from hence, but from *Tonskal's* Epistle to Cardinal *Pool*, and *Bekenshaw's* Commentary of the Sovereign and absolute power of Kings; As likewise of the difference between Kingly and Ecclesiastical power. And lastly and principally, by a book set forth by the English Convocation, called, *The Institution of a Christian man*. And to shew yet further, that *Ireland was unanimo* 15 | *erein with England,*
we

we find in the three and thirtieth year of Henry the eighth, which was before all thoughts of reformation, not the Irish only, as the *O Neales*, *O Relies*, *O Birnes*, *O Carols*, &c. but also the English Families, as the *Desmonds*, *Barries*, *Reches*, *Bowrks*, whose posterities do still continue Zealous Romanists, did make their submissions by Indenture to Sir *Anthony Sellenger*, then chief Governour of that Kingdom, wherein they acknowledged King Henry to be their Sovereign Lord, and confessed the Kings Supremacy in all causes, and utterly renounced the Jurisdiction of the Pope. So the Bishop of *Winchester* might well say, that there was an Universal and stedfast consent in the separation from Rome.

*Councilbook
of Ireland
32, 33, 34.
of Henry
8th.*

The second exception weighes so little, that it scarce deserveth an Answer. Admitting, but not granting, that any or all the calumnies of that party against Henry the eighth were true, whereof divers by their impossibility and by the contradiction of their authors, do carry their own condemnation written in their foreheads; And although Henry the eighth had been our Reformer, as he was not, yet all this would signifie nothing as to this present question: God doth often good works by ill agents. *Jehu's heart was not upright towards the Lord*, yet God used him as an Instrument to reform his Church, and to punish the worshippers of *Baal*. We have heard of late of an
aggre-

*The pretended Crimes
of Hen. 8.
no blemish
to the Re-
formation.*

aggregative treason, not known before in the world, But never untill now of an aggregative Schisme. The addition of twenty sins of another nature cannot make that to be Schisme which is not Schisme in it self. We are sorry for his sins under a condition, that is, in case they were true, which for part of them we have no great Reason to believe; But we are absolutely without condition glad of our own liberty. The truth is, God Almighty did serve himself of a most unlawful dispensation granted by the Pope to King *Henry* the eighth, to marry his brothers Wife, as an occasion of this great work. I say unlawful, because it was after judged unlawful by the Universities of *England, France, Italy*, after mature deliberation, and some of them upon oath, and by above an hundred forreign Doctours of principal reputation for learning. The coales of the Kings suspicion were kindled in *Spain, France, and Flanders*, no enemies to the Pope, and blown by Cardinal *Wolsey* for sinister ends; But it was *Cranmer* that struck the nail home. And God disposed all things to his own glory.

To their third exception, That to withhold obedience is Schismatical as well as to withdraw it. I answer first, that they cannot accuse us as accessaries to Schisme, until they have first condemned their own great Patrons, Champions and Confessours for the principal Schismaticks. Did Roman Catholics

*Holinsf. in
Hen. 8.
p. 923.
Hall. 22.
H. 8. p. 199.*

tholicks themselves find right and sufficient reason to turn the Pope out of *England* at the fore-door, in fair daylight, as an intruder and usurper? And do they expect that Protestants who never had any relation to him, should let him in again by stealth at the back-door?

Turpins ejicitur quam non admittitur hospes.

It is true, Queen *Mary* afterwards gave him houseroom again in *England* for a short time. But he raged so extreemly, and made such bonfires of poor innocent Christians in every corner of the Kingdome, that it is no marvail if they desired his room rather then his company.

I have often wondred how any rational man could satisfie himself so as to make the severity of our Lawes, or the rigour of our Princes since the reformation, a motive to his revolt from our Church. Surely the Inquisition was quite out of his mind; but I meddle not with forrein affaires. He might have considered, that more Protestants suffered death in the short Raign of Queen *Mary*, Men, Women, and Children, then Roman Catholicks in all the longer Raignes of all our Princes since the Reformation put together. The former by fire and faggot, a cruel lingring torment, *ut sentirent se mori*, that they might feel themselves to die by degrees. The other by the gibbet, with some

Our Lawes
are not
cruel
against
Roman Ca-
tholicks.

some opprobrious circumstances, to render their sufferings more exemplary to others. The former meerly and immediately for Religion, because they would not be Roman Catholicks, without any the least prætence of the violation of any political Law: The latter not meerly and immediately for Religion, because they were Roman Catholicks, for many known *Roman Catholicks* in England have lived and dyed in greater plenty, and power, and reputation in every princes raige, since the Reformation, then an English Protestant could live among the Irish Roman Catholicks, since their insurrection. If a subject was taken at Masse it self in England, which was very rare, it was but a pecuniary mulct. No stranger was ever questioned about his religion. I may not here omit King *James* his affirmation, That no man in his Raige, or in the Raige of his predecessor Queen *Elizabeth*, did suffer death for conscience sake or Religion.

Apol.
P. 153:

But they suffered for the violation of civil Lawes, as either for, not acknowledging the political Supremacy of the King in Ecclesiastical causes over Ecclesiastical persons, which is all that we assert; which the Roman Catholicks themselves in *Henry* the Eighth's daies did maintain as much, or perhaps more then we. We want not the consent of their own Schooles, or the concurrent practise of Kings and Parliaments of their

their own communion, As *Sancta Clara* In Artic.
doth confesse, *Valde multi doctores, &c.* Very 37. p. 419,
many Doctours do hold, that for the publick bene- 420, &c.
fit of the Commonwealth Princes have Jurisdic-
tion in many causes otherwise being of Ecclesia-
stical cognisance by positive Divine Law, and by
the Law of Nature. And though himself seem
rather to adhere to others who ascribe unto
them meerly a Civil power, yet he acknow-
ledgeth with the stream of Schoolmen, that
by their Sovereign Office by accident, and
indirectly for the defence of the Common-
wealth, and the preservation of publick Ju-
stice and peace, they have great power over
Ecclesiastical persons in Ecclesiastical cau-
ses, in many cases; As they may command
Bishops to dispose their spiritual affaires to the
peace of the Common-Wealth, They may remove
the froward from their offices, They may defend
the oppressed Clergy from the unjust oppressions
of Ecclesiastical Judges, &c. which he con-
fesseth to be as much as our Article setteth
forth. What the practise of other Kings
and Princes is herein, we shall see more fully
when I come to handle my fifth Proposition;
Or else for returning into the Kingdome so
qualified with forbidden orders, as the
Lawes of the Land do not allow. The State
of Venice doth not, the Kingdom of France
hath not abhorred from the like Lawes. Or
lastly, for attempting to seduce some of the
Kings Subjects from the Religion establish-
ed in the Land. In all these cases besides
Religion,

religion, there is something of Election; *He that loves Danger doth often perish in it.* The truth is this, An hard Knott must have an heavy Mall; Dangerous and bloody positions and practises produce severe lawes. No Kingdom is destitute of necessary remedies for its own conservation; If all were of my mind, as I believe many are, I could wish that all Seditious Opinions, and over rigorous statutes, with the memory of them, were buried together in perpetual oblivion. I hold him scarce a good Christian that would not cast on one spade full of earth towards their interrement; Pardon this digression, if it be one, Cruelty is a Symptome of Schisme.

Though
the first se-
paraters
were
Schisma-
ticks, we
are free.

Secondly, I answer that though the Romanists could be contented to brand their own friends for the principall Schismaticks, yet they shall never be able to prove us accessaries, or fasten the same Crime upon us, who found the separation made, to our hands, who never had any thing to do with *Rome*, who never ought them any Service but the reciprocall duty of love, who never did any act to oblige us to them, or to disoblige us from them; indeed it were something, if they could produce a patent from Heaven of the Popes Vicariate Generall under Christ over all Christians; (But that we know they can never do) Or but so much as an old Canon of a generall Council that did subject us to their Jurisdiction, So as
the

the same were neither lawfully revoked, nor their power forfeited by abuse, nor quitted by themselves, untill then they may withdraw their charge of Schisme.

Nay yet more, though they could justifie their pretended title, yet we acting nothing, but preserving all things in the same condition we found them, are not censurable as formal Schismatics, whilst we erre invincibly, or but probably, and are implicitly prepared in our minds, to obey all our just Superiours, so far as by law we are bound; whensoever we shall be able to understand their right.

There have been many Schismes in the Roman Church it self. Sometimes two Popes, sometimes three Popes at a time. One Kingdome submitted to one, this to another, that to a third, every one believing him to whom he submitted to be the right Pope, and every one ready to have submitted to the right Pope, if they had known who he was. Tell me, were all those that submitted to Antipopes presently Schismatics? That were too hard a censure. The Antipopes themselves were the Schismatics, and the Cardinals that Elected them, and all these who supported them for avaritious, or ambitious or uncharitable ends.

We may apply to this purpose that which *St. Austin* said concerning Hæreticks, *Qui*

E

sententiam

Aug. Epist.
162.

sententiam suam quamvis falsam atq; perversam nulla pertinaci animositate defendit, praesertim quam non audacia praesumptionis suae pepererit, sed à seductis et in errorem lapsis parentibus accepit; quarit autem cauta sollicitudine veritatem, corrigi paratus cum invenerit, nequaquam est inter haereticos deputandus. He that defends not his false opinion with Pertinacious animosity, having not invented it himself, but learned it from his erring parents; If he inquire carefully after the truth, and be ready to embrace it, and to correct his errors when he finds them, he is not to be reputed an Heretick.

If this be true in the case of Heresie, it holds much more strongly in the case of Schism, & especially that Schism which is grounded only upon Humane constitutions. He that disobeys a Lawful Superiour through invincible ignorance, whom he deserted not himself, but found him cast off by his parents, if he be careful to understand his duty, and ready to submit so far as in justice he is bound, he is not to be reputed a Schismatick. If men might not be saved by a general and implicate repentance, they were in a woful condition, for *who can tell how oft he offendeth? Cleanse thou me from my secret faults.* And if by general and implicate repentance, why not by general and implicate faith? why not by general and implicate obedience? So as they do their uttermost indeavours to learn their duties, and are ready to conform themselves

Psal. 19. 12.

selves when they know them. God looks upon his creatures with all their prejudices, and expects no more of them then according to the talents which he hath given them. If I had books for that purpose, I might have cited many Lawes and many Authors to prove that the final separation from *Rome* was made long before the reformation of the Church of England. But it is a truth so evident and so undeniable by all these who understand our affaires, that I seem to my self to have done overmuch in it already.

I do expect that it should be urged by some that there was a double separation of the Church of England from *Rome*; The former from the court of *Rome*; The second from the Church of *Rome*; The former in point of discipline; The latter in point of Doctrine; The former made in the daies of *Henry* the Eighth; The other in the daies of *Edward* the sixth. That if the Protestants were not guilty of the former, yet certainly they were guilty of the latter.

Protestants
no authors
of the se-
paration
from the
Church of
Rome.

To this I give two answers: first that the second separation in point of Doctrine doth not concern this question, whether the Church of England be Schismatical, but another whether the Church of England be Hæreticall, or at least Heterodox, (for every error doth not presently make an hæresy) which cannot be determined without discussing

Mr. Knot
Inf. num.
P. 534.

the particular differences between the Church of *Rome* and the Church of *England*. It is an undeniable principle to which both parties do yeeld firm assent, *that they who made the first separation from the primitive pure Church, and brought in corruptions in faith, Leiturgy, or use of the Sacraments, are the guilty party.* Yea though the separation were not local but onely moral, by introducing errors and innovations, and making no other secession: This is the issue of our controversie. If they have innovated first, then we are innocent, and have done no more then our duties. It is not the separation, but the cause that makes a Schismaticque.

Secondly I answer, that as Roman Catholicks (not Protestants) were the authors of the Separation of *England* from the Court of *Rome*; so the Court of *Rome* it self (not Protestants) made the Separation of *England* from the communion of the Church of *Rome*, by their unjust and tyrannical censures, excommunications, and interdictions, which they thundred out against the Realm, for denying their spiritual Sovereignty by divine right, before any reformation made by Protestants. It was not Protestants that left the communion of the Church of *Rome*, but the Court of *Rome* that thrust all the English Nation both Protestants and Roman Catholicks together out of their doores, and chased them away from them, when Pope

Paul

Paul the third excommunicated and interdicted England, in the daies of *Henry* the eighth, before ever any reformation was attempted by the Protestants. In that condition the Protestants found the Church and Kingdom of England in the daies of *Edward* the sixth. So there was no need of any new separation from the communion of the Church of Rome, The Court of Rome had done that to their hands. So to conclude my first Proposition, Whatsoever some not knowing or not weighing the state of our affaires; And the Acts and Records of those times have rashly or ignorantly pronounced to the contrary, it is evident that the Protestants had no hand either in the separation of the English Church from the Court of Rome, or in their separation from the Church of Rome; The former being made by professed Roman Catholicks, the later by the Court of Rome it self, both before the reformation following in the dayes of *Edward* the sixth, both at a time when the poor Protestants suffered death daily for their conscience upon the six bloody Articles.

Bulla Pauli
3. apud
Sander. de
Schism. l. i.
p. 109.

CHAP. IV.

That the King and Kingdom of England in the separation from Rome did make no new Law, but vindicate their ancient Liberties.

THe second Conclusion upon examination will prove as evident as the former, that *Henry* the eighth and those Roman Catholicks with him, who made the great separation from the Court of *Rome*, did no new thing, but what their predecessors in all ages had done before them, treading in the steps of their Christian Ancestors.

Eminent persons have great influence without any Jurisdiction.

And first, it cannot be denyed, but that any person or Society that hath an eminent reputation of learning, or prudence, or piety, or authority, or power, hath ever had, and ever will have a great influence upon his or their neighbours, without any legal Jurisdiction over them, or subjection due from them.

The dignity of the Apostolical Churches.

Secondly, it is confessed, that in the primitive times great was the dignity and authority of the Apostolical Churches, as *Rome*, *Antioch*, *Ephesus*, *Hierusalem*, *Alexandria*, which were founded by the Apostles themselves; And that those ancient Christians in all their differences did look upon the Bishops of those Sees as honourable Arbitrators,

bitrators, and faithful Depositories of the genuine Apostolical traditions, especially wherein they accorded one with another.

Hence is that of *Tertullian*, *Constat omnino doctrinam qua cum illis Ecclesiis Apostolicis, matricibus, et originalibus conspiat, &c.* *What* L. de praescript. advers. haeres.

soever doctrine agrees with those Apostolical original mother Churches, is to be reputed true.

And in this sense and no other Saint *Cyprian* a great admirer and imitater both of the matter and words of *Tertullian*, whom he honoured with the title of his *Master*, doth call the Church of Rome a *Matrix* and a *root*. L. 4. Epist. 8.

But if the tradition varied, as about the observation of *Easter*, between *Victor* Bishop of *Rome*, and *Polycrates* Bishop of *Ephesus*, the one prescribing from St. *Peter* and S. *Paul*. the other from S. *John*. The respective Churches did conform themselves to their Superiours, or if they were free, (as the *Britannique* Churches were) to their own judgment, or to the example of their neighbour Churches, or kept them to the tradition delivered unto them by their first converters. As in this very controversie about *Easter*, and some baptismal rites, the *Brittish* and *Scottish* Bishops alwaies adhered to the Eastern Church. A strong presumption that thence they received the faith, and were not subordinate to the Patriarchal See of *Rome*. But yet all this honourable respect proceeded from a free prudential compliance, without any perpetual or necessary

Novel. 131.
c. 3. et 4.

It is no marvel that the Pope winded himself into England by degrees.

subjection. Afterwards some Churches lost, some gained the place and dignity of Apostolical Churches, either by custome, so *Ephesus* lost it; or by the Canons of the Fathers, so *Constantinople* did get it: or lastly, by Imperial priviledges, so *Justiniana* and *Carthage* obtained it.

Thirdly, it is not to be doubted of, but that after the year six hundred, after that Pope *Boniface* had quitted his Patriarchal dignity, by assuming a more lofty title of universal Bishop, The succeeding Popes by the connivence, leave or consent of our Kings, did sometimes more, sometimes lesse, upon pretence of their universal Jurisdiction, by degrees thrust in their sickle into the Ecclesiastical affaires of *England*. Whosoever shall ponder duly with what a depth of prudence the Roman Court hath mesnaged all occasions and occurrences to the advantage and advancement of that See, and consequently to the improvement of their own authority; whosoever shall weigh seriously with what art and cunning the Papacy (as it now is) was tacked into the Church contrary to wind and weather, and how their beginning of unity was scrued up to an omnipotence, and universality of power; whosoever shall duly consider what advantage they made to that See, and therein to themselves, by the onely countenancing of *Phocas* his base and bloody murther, or of *Charles Martel* his more glorious and succesful revolt,

volt, will not wonder to observe, how they did watch their times when we had Princes of weak Judgments, or necessitous, or superstitious, or of unjust or Litigious titles, to wind themselves into *Britain*. Nay rather he will admire that they did not radicate themselves more deeply and more firmly therein; which without doubt they had effected, but for their exorbitant rapines, whilst they thought that like Foxes they might prey most boldly farthest from their own Kennel, *Anglia verè hortus noster deliciarum, putens inexhaustus est, ubi multa abundant, multa de multis extorqueri possunt, That England indeed was his garden of delight, a Well that could not be drawn dry.* And where many things did abound, out of much, much might be extorted.

Mat. Par.
an. 1246.

But first this intrusion was manifest usurpation and tyranny; This was the Gangrene of the Church, which no subsequent possession or submission could warrant, no tract of time or prescription sufficiently confirm. *Quod ab initio fuit invalidum tractu temporis non convalescit,* That which is not onely unjust, but invalid in its beginning, can never be made valid by the empty pretense of a following custome or prescription. Neither do I find in truth that any of the petite Saxon Kings or their Subjects, though some of them indebted to *S. Gregory* for their first conversion, and all of them much weakned by their Sevenfold division, (for

No Saxon,
English, or
Brittish
King ever
made any
obliging
submission to
the Pope.

(for at first of Seven Kings there was but onely one who was a Christian, namely the King of Kent; Neither was it any of his progeny who did afterwards unite the Heptarchy into a Monarchy,) much lesse that any of the succeeding Kings of England, or of great Brittain united, did ever make any Solemne, formal or obliging acknowledgment of their submission to the Bishop of Rome.

Bedil. I. c. 7.
25.

Bed. I. I.
ch. 26.

But on the contrary, when *Austin* first arrived in England, he staid in Isle of *Thanet*, untill he knew the Kings pleasure, and offered not to preach in Kent, until he had the Kings License for him and his followers to preach throughout his Dominions. So not onely their Jurisdiction : but even the exercise of their pastorall function within that Realm, was by the Kings leave and Authority. The donation and resignation of King *John* whereby he went about to make a free Kingdom servile and feudatary to the Pope, did concern the Crown more then the Miter, and was soon hissed out of the world to the perpetual shame and infamy of such mercenary Pastors ; yet to obtain this Ludibrious act the power of the Keyes was abused, and the Kingdom of England stood interdicted by the space of six years and three Months.

The Popes
power in
England
was of
courtesy.

The Popes in later times had some power in England, of courtesy, not of Duty, but never

never that omnipotence which they gaped after. Sometimes they sent their Nuncios or Legates into England. So they did of old into other Patriarchates. Sometimes they admitted appeales from England to Rome. So they did of old from *Africk*. Sometimes they excommunicated the English Subjects. So did Pope *Victor* long since excommunicate all the *Asiaticks*. But neither *Asia* nor *Africk* for all that did acknowledge the Popes Jurisdiction. On the other side, sometimes their Legates were not permitted to enter into the Realm, or after their arrival thrust out of the Realm, unless they would give caution by oath for their good demesnour. Sometimes their Bulls and excommunications were slighted or damned, and they who procured them soundly punished for their labours. Sometimes all appeales to *Rome* were prohibited under most severe penalties, and their decrees rejected. All this while our Kings and Bishops called Councells, the one under civil punishments, the other under Ecclesiastical, made Ecclesiastical lawes and constitutions in their Synods and Parliaments, yea expresse constitutions against the Court of *Rome* it self with as much tartnesse and vehemency as King *Henry* the Eighth. And with this onely difference that they indeavoured to draw the people out of the Popes clawes at home, and he thought it more expedient to throw the
Pope

Pope over the *Brittish* Sea, once for altogether. The old and lawful Patriarchal power of the Roman Bishops within their own districts, had been renounced long before by themselves. Their new universal Monarchy, erected by themselves, was not capable of prescription; or if it had, yet such a dubious unquiet possession as the Popes did hold in *England* at the mercy and discretion of the right owners, was not sufficient to make a legal prescription, or to justify their pretended title, or to render them *bona fidei possessores*, lawful and conscionable possessours. This is that which I am now to demonstrate in this second ground.

Wilfride
the first
great Ap-
pellant.

The most famous (I had almost said the onely) appellant from *England* to *Rome* that we read of before the Conquest was *Wilfride* Arch-Bishop of *York*, who notwithstanding that he gained sentence upon sentence at *Rome* in his favour; And notwithstanding that the Pope did send expresse Nuncios into *England*, on purpose to see his sentence executed, yet he could not obtain his restitution or the benefit of his sentence for six years, during the Raignes of King *Egbert* and *Alfred* his son. Yea King *Alfred* told the Popes Nuncios expressly, *That he honoured them as his Parents for their grave lives and honourable aspects, but he could not give any assent to their Legation; Because it was against reason, that a person twice condemned by the whole Council of the English, should be restored*

Spelm.
conc. an.
705.

restored upon the Popes Letter. If they had believed the Pope to be their competent Judge, either as universal Monarch, or so much as Patriarch of *Brittaine*, or any more then an honourable Arbitrator, (which all the Patriarchs were even without the bounds of their proper Jurisdictions) how comes it to passe that two Kings successively, and the great Councils of the Kingdome, and the other Arch-Bishop *Theodore* with all the prime Ecclesiasticks, and the flower of the English Clergy, did so long and so resolutely oppose so many Sentences and Messages from *Rome*, and condemn him twice, whom the Pope had absolved? Consider that *Wilfride* was an Arch-Bishop, not an inferior Clerk; And if an appeal from *England* to *Rome* had been proper or lawful in any case, it had been so in his case. But it was otherwise determined by those who were most concerned.

Malmesbury supposeth either by inspiration, or upon his own head, that the King and the Arch-Bishop *Theodore* were smitten with remorse before their deaths, for the injury done to *Wilfride* and the slighting of the Popes Sentence, Letter and Legates. But the contrary is most apparently true; for first, it was not King *Alfrede* alone, but the great Council of the Kingdom also; nor *Theodore* alone, but the main body of the Clergy, that opposed the Popes Letter, and the restitution of *Wilfride*, in
that

that manner as it was decreed at *Rome*.

Secondly, after *Alfred* and *Theodore* were both dead, we find the Popes sentence and *Wilfrides* restitution still opposed by the surviving Bishops, in the Reign of *Alfreds* son. To clear the matter past contradiction, let us consider the ground of this long and bitter contention; *Wilfride* the Archbishop was become a great pluralist, and had ingrossed into his hands too many Ecclesiastical dignities. The King and the Church of *England* thought fit to deprive him of some of them, and to confer them upon others. *Wilfride* appealed from their sentence unto *Rome*. The Pope gave sentence after sentence in favour of *Wilfride*. But for all his sentences he was not, he could not be restored, untill he had quitted two of his Monasteries, which were in question, *Hongesthill deane*, and *Ripon*, which of all others he loved most dearly, and where he was afterwards interred. This was not a conquest, but a plain waving of his sentences from *Rome*, and a yeelding of the question; for those had been the chief causes of the controversy. So the King and the Church after *Alfreds* death still made good his conclusion, That it was against reason, that a person twice condemned by the whole Council of the English, should be restored upon the Popes Bull. And as he did not, so neither did they give any assent to the Popes Legation.

So

So unfortunate were appeales to Rome in those daies : And as unfrequent as unfortunate ; for from that time untill *Anselmes* daies after the *Norman* Conquest in the Raigh of *Henry* the first, we do hardly meet with another appeal. Then Pope *Paschalis* the second had devised a new Oath for Arch-Bishops, when they received their Pall ; An oath much wondered at in all places, as a strange innovation, *Significasti reges & Regni majores admiratione permotos, &c.* You signified unto me that Kings and Nobles were moved with admiration, that the Pall was offered unto you by our Ministers, upon condition that you should take an oath which they brought you written from us, &c.

De elect. potest. c. 4. significasti, &c. Bar. An. 1102. nu. 8.

This oath was that which animated *Anselme* to contest so hotly with the King. The main controversie was about this very question of Appeales to Rome. The King pleaded the fundamental Lawes and Customes of the Land, *consuetudo Regni mei est à Patre meo instituta, ut nullius præter licentiam Regis appelletur Papa. Qui consuetudines regni tollit, potestatem quoque & coronam Regis violat, &c.* It is a custome of my Kingdome instituted by my Father, that no Pope may be appealed unto without the Kings License. He that takes away the Customes of the Kingdome, doth violence to the power and Crown of the King. It is to be noted, that the Lawes established by his Father (that was *William* the Conquerour) were no other then the Lawes of *Ed-*

Malm. l. 1. de Gest. Paul. Anglor.

ward

Hoved. in
Hen. 2.

ward the Confessor, that is to say, the old Saxon Lawes. So he might justly say, both that it was an ancient immemorial *custome* of the Kingdom, and also that it was instituted or established by his Father. So Hoveden tells us, that at last he yeelded to the request of his Barons, &c. that was by his authority to confirm the Lawes of King Edward. But the best was, that though Anselme the Archbishop was obliged by oath to the Pope, yet the Bishops were not so soon brought into the same bondage. And therefore the former Authour tells us, that

Malm. *ibid.* *In his exequendis omnes Episcopi Anglie Primati suo suffragium negarunt, In the execution of these things, all the Bishops of England did deny their suffrage to their Primate.* So unanimous were they in this point.

Math. Par.
an. 1164.

Which unanimity of the whole Realm both Clergy and Laity doth appear yet more evidently by the Statute of Clarendon, made in the Raign of the grand-child of this King, when all the Prelates and Peeres of the Realm did confirm the former ancient *Brittish English* custome, not onely by their consents, but by their oathes, whereof we shall have occasion to speak more hereafter. And upon this custome was that Law grounded, which our Histories do make mention of, *Si quis inventus fuerit literas vel*

Rog. Hoved.
in Hen. 2.

mandatum ferens Domini Papa, &c. capiatur, et de eo sicut de Regis traditore & regni, sine dilatione fiat justitia. If any one be found bringing

ing in the Popes Letter or Mandate, let him be apprehended, and let justice passe upon him without delay as a traitor to the King and Kingdom. And generally every man is interdicted, or forbidden, to appeal to the Pope. And the Legations from Rome were almost as rare as appeals to Rome, during the reigns of all the Brittish and Saxon Kings, untill the Norman conquest. As Gregory Bishop of Ostium the Popes own Legate did confess, That he was the first Roman Priest that was sent into those parts of Brittain, from the time of S. Austin. And those Legates were no others then ordinary messengers or Embassadors, sent from one Neighbour to another. Such a thing as a Legantine Court, or a Nuncios Court, was not known in the Brittish world in those ages, and long after. It is not enough to shew that one Roman Bishop did once send over one or two Doctors to help to propagate or confirm the faith, or to lend their helping hands to Religion fainting.

Legations
as rare as
appeals.

Spelm.
conc. an. 78.

This may well set forth their devotion, and our obligation. But further as to the present question it signifies just nothing.

Favours cease to be favours, when they are done on purpose to deprive men of their ancient liberties. The Brittish Bishops, and English also, have done as much for other Nations, over whom they did never challenge any Jurisdiction.

F

French

French Church sent over *Germanus & Lupus* to help to root up the reliicks of Pelagianisme in Brittain, yet did never pretend thereby to any authority over the Brittaines.

*Saxon
Kings made
Ecclesiasti-
cal Lawes.*

*Chap. 15.
Chap. 5.*

*Spelm. conc.
An. 1066.*

Add to this, that during all the time from *St. Gregory* to the conquest, it was usual for the Brittainish, Saxon, and Danish Kings, with their Clergy or great Council, to make Ecclesiastical lawes, and to regulate the external discipline of the Church within their Dominions: Witnesse the lawes of *Ercombert, Ina, Wihred, Alfrede, Edward, Athelstan, Edmond, Edgar, Athelred, Canutus*, and *Edward the Confessor*, among whose lawes one makes it the office of a King to govern the Church as the Vicar of God. Another implyes a power in the King and his Judges, to take cognisance of wrong done in Ecclesiastical Courts. It was to this Holy King *Edward the Confessor*, that Pope *Nicholas* the second by his bull for him and his Successours, granted this ensuing privilege to the Kings of England for ever; Namely, the *Advocation and protection* of all the Churches of England, and power in his stead to make just Ecclesiastical constitutions, with the advise of their Bishops and Abbats. This grant is as full or fuller then that which *Urban* the second made to *Roger Earl of Sicily*, from whence the Kings of Spain at this day do not onely Challenge, but enjoy in a manner all Ecclesiastical power

power in *Sicily*. If the Pope had ever had any such right as he pretends, this onely Bull were sufficient to justifie our Kings. But they injoyed this very power from the beginning, as an essential flower of their Crownes, without any thanks to the Pope. To make just Ecclesiasticall constitutions in the Popes stead, saith the Bull: To govern the Church as the Vicar of God, saith the law of the Land.

The Bishops of Rome have ever been very kind, in granting those things which were none of their own, and in making deputations and delegations to them who stood in no need of their help, being lawfully invested before hand by another title, in that power and dignity, which the Popes pretended out of their goodnesse to confer upon them, but in truth, did it onely for the reputation of their See, and for maintaining the opinion of their own Grandeur. Whether the deputation were accepted or not, they did not much trouble themselves. So they dealt with ~~the~~ president in the Councell of *Nise*; So they dealt with the Patriarch of *Justiniana Prima*; so they served Good King *Edward*, and many others.

An old Artifice of the Roman Bishops.

*Maximus
honorius*

This Legislative power in Ecclesiastical causes over Ecclesiasticall persons, the Norman Kings after the conquest did also exercise from time to time, with the advice and consent of their Lords spiritual and temporal

Norman Kings injoyed the same power.

poral. Hence all those Statutes concerning Benefices, Tythes, Advowsons, Lands given in Mortmain, prohibitions, consultations, præmunires, *quare Impeditis*, priviledge of Clergy, extortions of Ecclesiasticall courts or officers, and regulating their due fees, wages of Priests, Mortuaries, Sanctuaries, Appropriations, and in summe all things which did belong to the externall subsistence, regiment, and regulating of the Church, and this in the raings of our best Kings, long and long before the reformation.

*cap. quon.
de Appropri.
15. R. 2. c.
6 4 H. 4. c.
12.*

*2. H. 4. c. 3.
2. H. 4. c. 4.*

Othobone the Popes Legate under *Urban* the fifth would have indowed Vicars upon appropriated Rectories, but could not. But our Kings by two Statutes or Acts of Parliament did easily effect it. With us the Pope could not make a Spiritual corporation, but the King. The Pope could not exempt from the Jurisdiction of the ordinary, but the King, who by his charter could convert Seculars into Regulars. The Pope could not grant the Priviledge of the *Cistercians* and other orders, to be free from the payment of Tyths; but the King. The Pope could not appropriate Churches, but the King: we find eight Churches appropriated to the Abby of *Crowland* by the Saxon Kings, three Churches appropriated to the Abby of *Battell* by the Conquerour, and twenty by *Henry* the first to the Church of *Sarisbury*. The King in his great

great Council could make void the certificates of Ordinaries in cases of Ecclesiastical cognisance, and command them to absolve those persons who were judged by his authority to be unjustly excommunicated. The Pope could not translate an Arch Bishoprick or a Bishoprick, but the King. The disposition of Ecclesiastical preferments upon lapse accrued not to the Pope but to the King; a plain evidence that he was the Lord Paramount. And the King onely could incurre no lapse, *Nullum tempus occurrat Regi*; because the law supposed that he was busied about the weightie affaires of the Kingdom. The revenewes of a Bishoprick in the vacancy belonged not unto the Pope; but to the King, which he caused to be restored, sometimes from the time of the first vacancy, sometimes from the time of the filling of the Church with a new Incumbent according to his good pleasure.

9. H. 6. c.
11. Cork
Report.
Camdries
case.

The Canons of the Pope could not change the Ecclesiastical Lawes of England, but the King, whose lawes they were. He had power in his great Council to receive the canons if they were judged convenient, or to reject them, and abrogate them, if they were judged inconvenient. When some Bishops proposed in Parliament the reception of the Ecclesiastical Canon for the Legitimation of Children born before marriage (without such a reception the

Canon law
of no more
force in
England
then as it
was re-
ceived.

20. H. 3.

c. 9.

4. E. I. C.

5.

Bigamy.

3. R. 2. c. 6:

Aedmer.
in initio.

Canon was of no force in England) All the Peers of the Realm stood up and cryed out with one voice, *Nolumus leges Anglie mutari, We will not have the lawes of England to be changed.* The King and Parliament made a Legislative exposition of the Canon of the Councel of *Lyons* concerning *Bigamy*, which they would not have done, unlesse they had conceived themselves to have power, according to the fundamental constitutions of the kingdom, either to receive it, or reject it. *Ejus est legem interpretari cujus est condere;* He that hath authority to expound a law Legislatively, hath power to make it. The King and Parliament declared Pope *Urban* to be the right Pope in a time of Schisme, that is, in relation to England, their own Kingdom, not by determining the titles of the Popes, but by applying the matter to the one, and substracting it from the other. All these are so many evidences, that when Popery was at the highest, the Bishops of Rome had no such absolute Ecclesiasticall Sovereignty in the Church and Realm of England. And that what power they exercised at any time more then this, was by connivence, or permission, or violent usurpation. And that our Primates had no forraign Superiour Legally established over them, but onely the King as he was the Supream head of the whole body politick. To see that every one did his duty, and enjoyed his

his due right. Who would not suffer one of his Barons to be excommunicated from Rome, without his privity and consent.

No Legate *de latere* was allowed by the law in England, but the Archbishop of *Canturbury*. And if any was admitted of courtesy, he was to take his oath, to do nothing derogatory to the King and his Crown. If any man did denounce the Popes excommunication without the assent of the King, by the law he forfeited all his goods. Neither might any man appeal to Rome without the Kings License. In the year 1420. the Pope translated the Bishop of *Lincolne* to York. But the Dean and Chapter absolutely refused to admit him, and justified their refusal by the Laws of the Land; And by the favour of the country carried the cause. So as the Pope was forced to Recall him to *Lincolne*.

Having mentioned the statutes of *Mortmain*, I cannot but do my native country, and the Church of England that right, to clear it from an heavy accusation framed against it upon mistaken grounds. That the English protestants had made a Law to maintain and patronize Sacrilege, that no man (how penitent soever) could restore any thing to the Church, which had been formerly taken from it. God forbid. First the statutes of *Mortmain* were not made by Pro-

Placit an
I. H. 7.
Pl. an I. H.
7.
Pl. an. 32. et
34. E. 1.

Ant. Brit.
279.
The statute
of Mort-
main ju-
stified.

testants, but in the daies of *Henry* the third, *Edward* the first, and *Richard* the second, between the last of which, and *Henry* the eighth, there raigned six Kings successively. That is one great mistake. Secondly, the Statutes of Mortmain did not at all concern the restitution of any thing that had been taken away. There was no use for that in those daies. The onely scope of those Lawes was to restrain the first donation of Lands to the Church without royal assent, That is another mistake. Thirdly, these very Lawes of Mortmain are not so incredible, nor so hard to be believed, nor so altogether destitute of presidences, and examples, as that authour doth imagine, so as posterity should scarcely believe that ever any such Law had been made.

He might have remembred the Proclamation of *Moses*, when the people had already offered abundantly, for the adorning of the Sanctuary. *Let neither man nor woman make any more work for the offering of the Sanctuary. So the people were restrained from bringing.* He might have called to mind a like law of *Theodosius* a godly Emperour, and propitious to the Church, to moderate the peoples bounty, and the Clergies covetousness. Which Law Saint *Ambrose* and Saint *Hierome* do so much complain of, not against the Emperour who made the Law, but against the Clergy; who deserved to have such a Law made against them. He might have

Exod. 36.6.

Amb. Ep. 31.
Hier. ad Nepot.

have found the like Law made by *Nicophor- Nicet. l. 7.*
um, *Phocas*, and afterwards revived by *Emma-*
nuel Comenus. He might have remembred,
 that the troubles between the Pope and the
Venesians did spring partly from such a
 Law.

Briefly, with a little search he might have
 found like Lawes in *Germany*, *Poland*, *France*,
Spain, *Italy*, *Sicily*; And if he will trust *Padre Confid. p. 49*
Paulo, in the Papacy it self. The Prince
 cannot wrong his Subject that is an owner
 or possessour of Lands or hereditaments in
 a well ordered State. Then why should it
 be in the power of a Subject that is an
 owner to wrong his Prince and his Coun-
 try? But by such alienations of Lands to
 the Church in an excessive and unpro-
 portionable measure, the Prince loseth his
 right, that is, both his tribute, and his mili-
 tary service, and fines upon change of Te-
 nants. The Common-Wealth loseth its
 supportation and due protection. There-
 fore they were called the Lawes of Mort-
 main, because Lands so alienated to the
 Church were put into a dead hand, from
 whence they never returned: And so in
 time the whole Signioury should be the
 Churches, as it is elegantly expressed by the
Venetian Oratour to *Paul* the fifth, *Ne for-*
tunis omnibus exuantur, ne quicquid sub cælo
Veneto homines arant, ferunt, adificant, omnia
veluti quodam oceano Ecclesia absorbeantur, ni-
hilq; sibi reliqui fiat unde Rempublicam, pa-
triam,

Oratio ad
Paul. 5. pro
Rep. Veneta.

triam, tella, templa, aras, foci, sepultura majorum defendere possint, Lest the Citizens should be turned out of their estates, lest all which men plow, sow, build under the Venetian heaven should be swallowed up into the Ocean of the Church; And nothing be left wherewith to defend the Common-Wealth, their Country, their houses, their temples, their altars, their fires, and the sepulchers of their Ancestors.

To prevent this great inconvenience, the Lawes of Mortmain were devised prudently, to ballance the spirituality and the temporality, that the one do not swallow up the other, to which all wise Legislators have ever had, & ought to have a special regard.

In *France* no man can build a new Church without the Kings License verified in Parliament: A new Monastery builded in *Genoa* without License is to be confiscated. In *Spain* without License Royal no new Religion can enter into the Kingdome. The Fathers of *Saint Francis de Paula* began to build a Church in *Madrid*, upon their own heads, but they were stopped. So equitable, so necessary, hath this Law of Mortmain been thought to all Nations.

Mat. Par.
an. 1164.

But to leave this digression, and to come up closer to the direct point without any consequences. In the Reign of King *Henry* the second some controversies being likely to arise between the Crown and *Thomas Becket* Archbishop of *Canterbury*, The King called a general Assembly of his Archbishops, Bishops,

Bishops, Abbats, Priors, and Peers of the Realm, at Clarendon, where there was made an acknowledgment or memorial, *cujusdam partis consuetudinum & libertatum Antecessorum suorum, Regis videlicet Henrici avi sui, & aliorum, quæ observari debebant in Regno, & ab omnibus teneri*, of a certain part of the Customs and Liberties of his predecessors, that is to say, his Grand-father Henry the first son of the Conquerour, and other Kings. (*A parte*) but *ex ungue Leonem*; from the view of this part we may conclude of what nature the rest were (*of the customs*). The customs of England are the Common Law of the Land. (*of his predecessors*) that is to say, the Saxon, Danish, and Norman Kings successively. And therefore no marvel if they ought to be observed of all.

This part of their ancient customs or liberties they reduced into sixteen Chapters or Articles, To which all the Archbishops, Bishops and other Ecclesiasticks, with all the Peeres and Nobles of the Realm did not onely give their acknowledgment, and consent, but also their oathes, for the due observation of them. It would be tedious and impertinent to relate them all, I will onely cull out some of them. One was, that all appeals in England must proceed regularly from the Arch-Deacon to the Bishop, from the Bishop to the Archbishop, and if the Archbishop failed to do justice, the last complaint must be to the King, to give order for redresse, that is, by fit Delegates.

Delegates. But there might be no further or other Appeals without the consent of the King: whereby the Nunciature, and Legantine Court, and the Court of Rome it self are all at the Kings mercy. Wherein did the Popes great strength lie in those dayes? when his hands were fast tied both at home and abroad.

Another Custome was, that *no Ecclesiasticall person might depart out of the Kingdome without the Kings License* (no not though he were summoned by the Bishop of Rome.) And if the King permitted them to go, yet *if he required it, they must give caution or security to all nothing hurtful or prejudicial to the King or Kingdome, in their going thither, abiding there, and returning home*. You see our Ancestors were jealous of Rome in those daies. Whether it was their providence or their experience that taught them this lesson, certainly their prudence to prevent dangers was very commendable.

A third custome was, that *the revenues of all Ecclesiastical dignities* belonging to the Kings demesne, during the vacancy, were to be received by the King, as freely as the rents of his own demesnes. Tell me, who was then the Patron and Political Head of the Church?

A fourth Custome was, that *when an Archbishoprick, Bishoprick, Abbacy or Priory did fall void, the election was to be made by such of the principal dignitaries or members of that respec-*
tive

Elise Church which was to be filled, as the King should call together for that purpose, with the Kings consent, in the Kings own Chappell. And there the person elected was to do his homage and fealty to the King, as to his Liege Lord. That later form of, Dei & Apostolica sedis gratia, had taken no root in England in those daies.

The rest are of the same nature, as that Controversies concerning Advowsons ought to be determined in the Kings Court. Benefices belonging to the Kings patronage could not be appropriated without his grant.

When a Clergy man was accused of any Delinquency, the Kings Court ought to determine what part of his accusation was of Civil, and what part of Ecclesiastical cognisance. And the Kings Justice might send to the Ecclesiastical Court to see it ordered accordingly. None of the Kings Servants or Tenants that held of him in *capite* might be excommunicated, nor their Lands interdicted, before the King was made acquainted.

When it was questioned whether a Tenement were of Ecclesiastick or Lay fee, the Kings Justice was to determine it by the oathes of twelve men. All Ecclesiastical persons who held any possessions from the King in *capite*, were to do suit and service for the same as other Barons did, and to joyn with the Kings Barons
in

in the Kings Judgments, untill it came to sentence of death, or diminution of member.

To this memorial all the Nobility and Clergy of the English Nation did swear firmly, in the word of truth, to keep all the customes therein contained, and observe them faithfully to the King and his heires for ever. Among the rest, *Thomas Becket* the Archbishop of *Canterbury* himself was carried along with the crowd to take this Oath: Though shortly after he fell from it, and admitted the Popes absolution.

35. E. 1.
Statute of
Carlisle.

By the Statute of *Carlisle* made in the daies of *Edward* the first it was declared, That the holy Church of *England* was founded in the estate of *Prelacy*, within the *Realm* of *England*, by the Kings and Peeres thereof. And that the several inroachments of the Bishop of *Rome* specified in that Act, did tend to the annullation of the state of the Church, the disinheriting of the King and the Peeres, and the destruction of the Lawes and rights of the Realm, (*contra formam collationis*) contrary to the disposition and Will of the first founders. Observe [in the estate of *Prelacy*] not of *Papacy*. [Within the Realm] not without it. [By the Kings] not by the Popes, of whose exorbitant and destructive usurpations as our Ancestors were most sensible; so they wanted neither will nor power to remedy them.

To corroborate this Law by former presidents, and thereby to shew that our Kings were

were ever accounted the right Patrons of the English Church. King *Edelwalk* made *Wilfride* Bishop of the South Saxons, now *Chichester*. King *Alfrede* made *Assertie* Bishop of *Sherburn*: And *Oenewulphus* Bishop of *Winchester*. *Edward* the Confessor made *Robert* Archbishop, whom before from a Monk he had made Bishop of *London*. Thus the *Saxon* Kings in all ages bestowed Bishopricks without any contradiction. The *Norman* Kings followed their example. No sooner was *Stigand* dead, but *William* the Conquerour elected *Lanfrank* Abbat of *Saint Stephens* in *Caen* to be Archbishop. *William Rufus* upon his death-bed elected *Anselme* to be Archbishop of *Canterbury*. And untill the daies of *Henry* the first, the Popes never pretended any right, nor laid any claim to the Patronage of the English Churches.

Malm. de Gest. Pont. Aug. p. 257. Id. l. 2. p. 45. p. 242. Id. l. 1. p. 204.

The Articles of the Clergy do prescribe that elections be free, so as the Kings consent, or License to elect be first obtained, and afterwards the election be made good by the Royal assent and confirmation. And the Statute of provisors, Our Sovereign Lord the King and his heires, shall have and enjoy for the time the collations to the Archbishopricks and other dignities elective which be of his Advowry, such as his progenitors had before free election was granted. Sith the first elections were granted by the Kings progenitors upon a certain form and condition, as namely, to demand License of the

Articuli clerici.

25. E. 3.

the King to choose, and after choice made, to have his Royal assent. Which condition not being kept, the thing ought by reason to return to its first nature.

25. E. 3.

Further by the same Statute of provisors it is declaratively enacted, That it is the right of the Crown of England, and the Law of the Realm, that upon such mischiefs and damages happening to the Realm, (by the incroachments and oppressions of the Court of Rome mentioned in the body of that Law) The King ought, and is bound by his oath with the accord of his people in Parliament, to make remedy and Law, for the removing of such mischiefs. We find at least seven or eight such Statutes made in the Reigns of several Kings against Papal provisions, reservations, and collations, and the mischiefs that flowed from thence.

16. R. 2.
C. 5.

Let us listen to another Law, *The Crown of England hath been so free at all times, that it hath been in no earthly subjection, but immediately subjected to God in all things touching its regality, and to no other, and ought not to be submitted to the Pope.* Observe these expressions, free at all times, free in all things, in no earthly subjection, immediately subjected to God, not to be submitted to the Pope. And all this in Ecclesiastical affairs, for of that nature were all the grievances complained of in that Law, as appears by the view of the Statute it self. Then if the Kings of England and the representa-

tive

tive body of the English Church do reform themselves according to the word of God, and the purest Patterns of the primitive times, they owe no account to any, as of duty, but to God alone.

By the same statute it is enacted, That *they who shall procure or prosecute any popish Bulls and excommunications (in certain cases) shall incur the forfeiture of their estates, or be banished, or put out of the Kings protection.* By other statutes it is enacted. That *whosoever should draw any of the Kings Subjects out of the Realm, (to Rome) in plea about any cause, whereof the cognisance belongeth to the Kings Court, or should sue in any forrain court to defeat any judgment given in the Kings court, (That is by appealing to Rome) they should incur the same penalties.* The body of the Kingdom would not suffer *Edward the first* to be cited before the Pope. *Henry the sixth*, by the Council of *Humphry Duke of Gloucester* the Protector, protested against *Pope Marcin* and his Legate, That they would not admit him contrary to the lawes and liberties of the Realm, and dissented from whatsoever he did.

27.E.3.C.I.

Act. and: mon.

So we see plainly, that the King and Church of England ever enjoyed as great or greater liberties then the Gallican King and Church. And that King *Henry the eighth* did no more in effect then his progenitors from time to time had done before him. Onely they laboured to damme

up the stream, and he thought it more expedient to stop up the fountain of papal Tyranny, not by limiting the habitual Jurisdiction of the Roman Bishop, which was not in his power to do, but by subtracting the matter, and restraining the actual exercise of it within his own dominions. And it is observable, that in the greatest heat of these contentions, the Prælates of the Realm being present in Parliament disavowed the Popes incroachments, and offered the King to stand with him *in these and all other cases touching his Crown and regality, as they were bound by their allegiance.* That is, according to the law of Feuds, according to their homage done, and according to the oath which they had taken at their Investitures into their Bishopricks.

Indeed, of later daies during those bloody wars between the houses of York and *Launcester*, the Popes sometimes invaded this undoubted right of our Kings *de facto*, not *de jure*, as was easie for them to do, And tendered to the Bishops at their investitures another oath of their own making, at first modest and innocent enough, that they should observe *regulas Sanctorum Patrum*, the rules of the Holy Fathers; But after they altered the oath, and falsified their Pontifical as well as their faith, changing *regulas Sanctorum Patrum*, into *Regalia Sancti Petri*, that they should maintain the Royalties of *St. Peter*. A shamelesse forgery and admitting

Pontif. *vetus.*

Pontif. *novum.*

mitting them to be the interpreters of their own forms, opening a gap to rob Kings of the fairest Jewels of their crownes, and Bishops not onely of their Jurisdictions, but also of their loyalty and allegiance to their lawful Sovereigns, unlesse they take the oath with a protestation, as our Arch-Bishop *Cranmer* did, That he would not bind himself to any thing contrary to the Lawes of God or the Realm, or the benefit thereof; Nor yet limit himself in the reformation or Government of the Church. Before which time two opposite and repugnant oathes were administered to the Bishops, as *Henry* the eighth made it appear plainly in Parliament.

*Ex Regist.
Cranm.
P. 4.
Hall in Hen-
rico. 8. fol.
206.*

Many things in prudence might be done but for fear of such like alterations and incroachments. Our Kings gave Peterpence to Rome as an almes; But in proesse of time it was exacted as a tribute. The Emperours for more solemnity chose to be sworn by the Pope at Rome, as the Kings of France at *Rhemes*, and the Kings of England at *Westminster*. And this was misinterpreted as a doing homage to the Pope.

*Rex venit ante fores jurans prius urbis honores,
Post homo fit Pape, sumit quo dante coronam.*

The King doth come before the gate,
first swearing to the Cities state.

The Popes man then doth he become,
And of his gift doth take the Crown.

Oecb. part.
2. c. 22.

de sent. &
rejudic.

The Sovereignty of
our Kings
in Ecclesi-
astical cau-
ses over
Ecclesiasti-
cal per-
sons

Poets might be bold by authority: But it rested not there. Good Authors affirm the challenge in good earnest. And Clement the fifth in one of his Canons or Decrees doth conclude it, *declaramus juramenta predicta fidelitatis existere et cerseri debere*, We declare that the aforesaid oaths are and ought to be esteemed oaths of allegiance. Lay these particulars together, Our Kings from time to time called Councils, made Ecclesiastical Laws, punished Ecclesiastical persons, and see that they did their duties in their callings, prohibited Ecclesiastical Judges to proceed, received appeals from Ecclesiastical Courts, rejected the Lawes of the Pope at their pleasure, with a *nolumus*, we will not have the Lawes of England to be changed, or gave Legislative interpretations of them as they thought good, made Ecclesiastical corporations, appropriated benefices, translated Episcopal Sees, forbid appeals to Rome, rejected the Popes Bulls, protested against his Legates, questioned both the Legates themselves, and all those who acknowledged them in the Kings Bench; I may adde, and made them pay at once an hundred and eighteen thousand pounds as a composition for their estates, condemned the excommunications and other sentences of the Roman Court, would not permit a Peer, or Baron of the Realm to be excommunicated without their consents, enjoyed the patronage of Bishopricks, and the investitures of Bishops, enlarged or restrained

ned the priviledge of Clergy, prescribed the indowment of Vicars, set down the wages of Priests, and made acts to remedy the oppressions of the Court of *Rome*.

What did King *Henry* the eighth in effect more then this? He forbad all suites to the Court of *Rome* by proclamation, which *Sanders* calls the beginning of the Schisme, divers Statutes did the same. He excluded the Popes Legates, so did the Law of the Land, without the Kings special License. He forbad appeals to *Rome*, so did his predecessors many ages before him. He took away the Popes dispensations, what did he in that but restore the English Bishops to their ancient right, and the Lawes of the Country with the Canons of the Fathers to their vigour? He challenged and assumed a political Supremacy over Ecclesiastical persons in Ecclesiastical causes; So did *Edward* the Confessour govern the Church as the Vicar of God in his own Kingdom. So did his predecessors hold their Crowns as immediately subjected to God, not subjected to the Pope. On the other side, the Pope by our English Lawes could neither reward freely, nor punish freely, neither whom, nor where, nor when he thought fit, but by the consent or connivence of the State. He could neither do justice in *England* by the Legates without controullment, nor call English men to *Rome* without the Kings License. Here is small appearance of a good legal prescription, nor any pregnant signs of

Antiqu.
Brit. p. 325.

King *Henry*
8. did no
more then
his predecessors.

The judgment of
our English
Lawyers.

*Fitzherb.
Natu. brev.
44.
Lord Cook,
Cawdries
848.*

any Sovereign power and Jurisdiction, by undoubted right, and so evident uncontroverted a title as is pretended.

I might conclude this my second proposition with the testimonies of the greatest Lawyers and Judges of our land. Artists ought to be credited in their own Art. That the lawes made by King *Henry* on this behalf were not operative but declarative; not made to create any new law, but onely to vindicate and restore the ancient law of England, and its ancient Jurisdiction to the Crown. There had needed no restitution if there had not been some usurpation. And who can wonder that the Court of Rome so potent, so prudent, so vigilant and intent to their own advantage, should have made some progresse in their long destined project, during the reigns of six or seven Kings immediately succeeding one another, who were all either of doubtful title, or meer usurpers without any title, Such as cared not much for the flowers of the Crown, so they might but hold the Diademe it self from their competitors?

Therefore our Ecclesiasticall law was called the Kings law, because the edge and validity of it did proceed from authority royal, our Ecclesiasticall Courts were stiled the Kings Courts, by his Judges.

It is true, the habitual Jurisdiction of Bishops flows from their Ordination: But the actual exercise thereof in Publick courts, after

after a coercive manner is from the gracious concessions of Sovereign Princes. In a word, the law being meerly intended as a remedy against usurpation, it cannot be a new Law, but onely a Legislative declaration of the Old Common Law of England.

I will conclude this Chapter with the words of Bishop *Bilfon*: *As for his Patriarchate by Gods law he hath none; in this Realm for Six hundred years after Christ he had none; for the last Six hundred years looking after greater matters he would have none; Above or against the Princes Sword, he can have none; to the Subversion of the Faith or oppression of his Brethren he ought to have none; you must seek further for Subjection to his Tribunnall; This Land oweth him none.*

The true
differ.
Part 2.

CHAP. V.

That the Britanick Churches were ever exempted from forraign Jurisdiction, for the first six hundred years. And so ought to continue.

THirdly, supposing that the reformed Church of England had separated it self from Rome, and supposing that the municipal laws

of the Realm then in force had not warranted such a separation ; yet the *British Churches*, that is the Churches of the *British Islands, England, Scotland, and Ireland, &c.* by the constitution of the Apostles, and by the solemn sentence of the Catholique Church, are exempted from all forraign Jurisdiction, and cannot be Schismatical in the lawful vindication of a just priviledge so well founded : for the clearer manifestation whereof let us consider.

*Cyp. de unit.
Ecclesia.
Conc. Eph.
in Epist.
Synod. ad
Nestor.
Ambr. et
alij. Bell de
Pont. l. 4.
r C. 22.*

First, that all the twelve Apostles were equall in mission, equall in commission, equall in power, equall in honour, equal in all things, except priority of order, without which no Society can well Subsist.

*The supremacy in
the whole
Colledge of
the Apostles.
Act. 1.
Act. 6.
Act. 8. et
10.
Act. 11.*

So much *Bellarmino* confesseth, that by these words, *As my father sent me, so send I you*, Our Saviour endowed them with all the fulnesse of power that mortall men were capable of. And therefore no single Apostle had Jurisdiction over the rest, *pari parem non habet potestatem*, but the whole Colledge of Apostles, to which the supream Mesnagery of Ecclesiasticall affaires did belong in common, whether a new Apostle was to be ordained, or the office of Deaconship was to be erected, or fit persons were to be delegated for the ordering of the Church, as *Peter* and *John*, *Judas* and *Sylas*; Or informations of great moment were to be heard, as against *Peter* himself. Though

Peter

Peter out of Modesty might condescend and submit to that to which he was not obliged in duty; yet it had not become the other Apostles to sit as Judges upon their Superiour, placed over them by Christ. Or whether the weightier questions, of the calling of the Gentiles, and circumcision, & the law of *Moses*, were to be determined, still we find the Supremacy in the Colledge.

AG 15.

Secondly, that drowsy dream, that the plenitude of Ecclesiastical power and Jurisdiction was given by Christ to Saint *Peter* as to an ordinary Pastour, to be derived from him to his Successours, but to the rest of the Apostles as delegates for term of life, to die with themselves, as it is lately and boldly asserted, without reason, without authority, either divine or humane, so it is most repugnant to the doctrine of the Fathers, who make all Bishops to be the Vicars and Embassadors of Christ, (not of the Pope) and successours of the Apostles, indifferently, *Vicaria ordinatione*, who make but one Episcopacy in the world, whereof every Bishop hath an equal share. St. *Peter* was a Pastor, and the Pastoral office is of perpetual necessity in the Church. True; But so were all the rest of the Apostles Pastors as well as he. And if we examine the matter more narrowly *cui bono*? for whose advantage this distinction was devised, it was not for S. *Peters* own advantage, who setting aside his principallity of order) is confessed

The other
Apostles
had Successors
as well
as S. Peter.

to.

to have had but an equall share of power with his fellow Apostles, but for the Popes advantage, and the Roman courts, whom they desire to invest solely with the key of all originall Jurisdiction.

why the Bishop of Rome, S. Peters successor rather then of Antioch.

Plat. in vita Sti. Petri.

And if we trace on this Argument a little further, to search out how the Bishop of Rome comes to be Saint *Peters* heire, *ex assa*, to the exclusion of his Elder Brother the Bishop of *Antioch*, they produce no authority that I have seen, but a blind ill grounded legend, out of a counterseit *Hegesippus*, of Saint *Peters* being about to leave Rome, and Christs meeting him upon the way and admonishing him to return to Rome, where he must be crucified for his name; which reason halts on both sides; The foundation is Apocryphal, and the superstruction is weak and unjointed without any necessary connexion.

The highest constitution of the Apostles exceeded not national Primates.

Thirdly, it appeareth not to us, that the Apostles in their daies did either set up any universall Monarchy in the Church, or so much dilate the borders or bounds of any one mans single Jurisdiction, as to subject so great a part of the Christian World, as the Western Patriarchate, to his obedience. The highest that they went, if any of those Canons which bear their names be genuine, was to nationall or provincial Primates or Patriarchs; for a Protarch or Primate and a Patriarch, in the language of the ancient Church signified one, *at d* the same thing, in whose

whose præheminence there was more of order and care, then of single Jurisdiction and power. Read their three and thirtieth Canon. *It behooves the Bishops of every distinct Nation to know him who is their first, (or* *Can. Apost. 33.* *Primate) and to esteeme him as their head. And to do nothing that is of difficulty, or great moment contrary to his opinion. But neither let him. do any thing without the opinion of all them.* This Nationall Primacy, or Protarchate, or Patriarchate under which the Britan-
nique Churches flourished for many ages, is the very same which we contend for.

Fourthly, it is worthy of our inquiry, how in proceffe of time some Primates did obtain a much more eminent degree of honour, and a larger share in the government of the Church then others. And of this their adventitious *Grandeur*, we find three principal fountaines. First, ancient customes. Secondly, the Canons of the Fathers. And thirdly, the edicts of Christian Princes.

First, ancient customes. Upon this ground the first generall Councel of Nice settled the authority and priveledges of the three Patriarchal Sees of Rome, Alexandria, and Antioch, *Let ancient customes prevail.* And these customes commonly proceeded either from the memory of the Apostles, who had founded such Churches, from whence as from Apostolical fountaines their neighbours

How some Primates came to be more respected in the Church then others.

Either by custom.

Con. Nic.

Or from
the Grandeur of the
City.
Conc: Chal.
διὰ τὸ βασι-
λεῦν &c.

hours did fetch sound doctrine, and reciprocally paid to them due respect. So *Hosius* proposed in the Occidental Council of *Sardis*, in favour of the See of *Rome*, *Doth it please you that we should honour the memory of St. Peter?* Or from the more powerful principality of the City, which is alledged by the Council of *Chalcedon* as a reason of the greatnesse both of the Sees of *Rome* and *Constantinople*, because they were the seats of the Emperours.

Or by decrees of Councils.

Secondly, the Canons of the Fathers, either without custome or against custome. Thus the Bishop of *Hierusalem*, an Apostolical See, was raised above the Bishop of *Cesarea* an Imperial City, notwithstanding the contrary custome. Thus *Constantinople*, because it was newly made the seat of the Empire, was equalled to an Apostolical See, that is *Rome*, and preferred before all the rest, by the general Councils of *Constantinople* and *Chalcedon*, notwithstanding the opposition of the Bishop of *Rome* by his Legats, who grieved the more to see *Thracia*, which he conceived to belong to his own Jurisdiction, to be annexed to a rival See.

Or by Edicts of Princes,

Lastly, the Edicts of Sovereign Princes, who out of favour, either to the place of their Birth, or of their residence, or of their own foundation, or for the Weal-publick, and better accomodation of their subjects; have enlarged or restrained *Patriarchates* within their

their own Territories, and raised up new Primats or Patriarchs as they thought fit: But of this more in my next conclusion.

Fifthly, notwithstanding the prebeminence of the five great Patriarchs of *Rome*, *Constantinople*, *Alexandria*, *Antioch* and *Hierusalem*; and their great power and authority in the Church, especially in general Councils; yet there were many other Protarchs or Patriarchs, who had no dependance upon them at all out of Council, nor ought them any obedience, but onely a precedence and honourable respect.

Many Primats subject to none of the five great Patriarchs.

Ruffinus a Priest of the *Romane* Church who lived not long after the council of *Nice*; And one who understood the ancient proper bounds of the *Romane* Patriarchate as well as any man, doth limit it to the Suburbicary Churches, that is a part of *Italy*, and three Islands, *Sicily*, *Sardinia*, and *Corfica*. *Africk* had a Primate of their own at *Carthage*; the rest of *Italy* at *Milaine*; *France* at *Arles* or *Lions*; *Germany* at *Vienna*; *Brittaine* was removed far enough out of this account.

Ruff. bist. Eccl. l. i. c. 6.

But this appears most clearly in the case between the Patriarch of *Antioch* and the Cyprian Bishops, sentenced in the general Council of *Ephesus*. The Patriarch of *Antioch* challenged the ordination of the Cyprian Bishops, and consequently a Patriarchal

The case between the Patriarch of *Antioch* and Cyprian Bishops.

archal Jurisdiction over them ; for all other Rights do follow the right of ordination. They denied both his right of ordination and jurisdiction , The difference was heard. The witnesses were examined for matter of fact, And a sentence was given. not onely in favour of the Cyprian Bishops, but of all others which were in the same condition. Among which number were our *Britannique Churches*, as shall evidently appear in this ensuing discourse.

*conc. Ephes.
part. 1.
Art. 7.*

But first let us listen to the words of the Council ; *Since common diseases do need greater remedies , because they bring greater damage ; If it be not the ancient custome that the Bishops of Antioch ordain in Cyprus , as the Council is sufficiently satisfied ; The Cyprian Prelates shall hold their rights untouched and unviolated, according to the Canons of the holy Fathers, and the ancient custome, ordaining their own Bishops. And let the same be observed in other Diocesses, and in all Provinces, That no Bishop occupy another Province, which formerly and from the beginning was not under the power of him, or his predecessors. If any do occupy another Province, or subject it by force, let him restore it, that the Canons of the Fathers be not sleighted, nor pride creep into the Church under the pretext of worldly power , lest by little and little that liberty be lost which Christ purchased for us with his blood. Therefore it hath pleased the Holy Synod ,*
that

that every Province enjoy its rights and customs unviolated, which it had from the beginning. These words from the beginning *ἡ ἀρχὴ ἀνδρῶν*, are twice repeated. It is no marvel if some addicted to the interest of Rome have gone about by Slight of hand, but very unsuccessfully to shuffle this Canon out of the Acts of the Council. If the Fathers in that Holy and oecumenical Council, were so tender and sensible of *pride creeping into the Church* in those daies, and of the danger to lose their *Christian liberty* in the case of the Bishop of Antioch, who neither pretended Divine right, nor universal Jurisdiction, nor superiority above Councils, what would they not have said or done in this present case of the Bishop of Rome, who challengeth not onely the right of ordaining, but the grace of ordination, and Sovereign Jurisdiction, not over *Cyprus* onely, but over the whole Christian world; not from custom, or Canons, or edicts, but from the institution of Christ, who makes all the validity of the decrees of those oecumenical Councils which his Predecessours received and revered as the Gospel, to depend upon his own confirmation?

To apply this home to the question. The Generall Council of *Ephesus* declared, that no Bishop should occupie any Province, which before that Council and from the beginning, had not been under the Jurisdiction of him or his Predecessours; And
th at

*Greg. L. 1.
Ep. 24.
The case of
the Cyprian
Bishops ap-
plied.*

that if any Patriarch usurped any Jurisdiction over a free Province, *he should quit it, for so it pleased*, not the Pope, but the Holy Synod, that every province should enjoy its ancient rights pure and inviolate. Now if it shall evidently appear, that the Bishops of Rome never exercised any manner of Jurisdiction over the Britannique Churches from the beginning, no nor yet before the general Council of *Ephesus*, nor for six hundred years after Christ, that is, untill they themselves had disowned their Patriarchal right, when Pope *Boniface* the third who entred into the Roman See about three years after the death of *Gregory* the great, obtained from *Phocas* an usurping Emperour to be universal Bishop, that is to say, an usurping Monarch over the Church, which fell out so soon after the arrivall of *Austin* in England, that there wanted time to have settled the Roman Patriarchate in Brittain; though the Brittons had been as willing to receive it, as they were averse from it: and if no true general Council since that time hath ever subjected Brittain unto the Roman Court; Then the case is clear, that Rome can pretend no right over Brittain, without their own consents, nor any further, nor for any longer time then they are pleased to oblige themselves; Then the subsequent and violent usurpations of the Roman Bishops cannot render them *Bona fidei possessores*, lawfull owners

owners; but that they are alwaies bound to quit their incroachments; and the Brittanique Churches, and those who derive by succession from them, are alwaies free to vindicate and reassume their ancient rights and priviledges.

In this controversy by law the burthen of the proof ought to rest upon them, who affirm a right and challenge a Jurisdiction; not upon us who deny it. Men are not put to prove negatives. Let them produce their Registers, and shew for the first six hundred years what Ecclesiastical Courts the Roman Bishops or their Legates have held in Brittain, what causes they have removed from thence to *Rome*, upon appeals; what sentences given in Brittain they have repealed there, what British subjects they have excommunicated, or summoned to appear at *Rome*; let them shew what Bishopricks they have conferred in Brittain in those daies, what British Bishops did then intitle themselves to their Bishopricks, by the *Grace of God and of the Apostolique See*; let them declare to the world how many of our British Primates or Patriarchs of *York*, *London*, or *Caerleon*, have constantly, or at all repaired to *Rome*, to be ordained, or have received Licenses, or dispensations thence for their ordination at home, or elsewhere, for *ordinationis juxta cetera jura sequuntur*, He who is necessarily by law obliged to have recourse to a forraign Prelate for

The proof in this cause ought to rest upon our adversaries.

his ordination, is thereby implied to be inferiour or subject to his ordainer. If they can say nothing to any of these points, they may disclaime their Patriarchall right in Brittain, and hold their peace for ever.

The reasons why I set *York* before *London* in the order of our British Patriarchs or Primates are these ; First, because I find their names subscribed in that order in the Council of *Arles*, held in the year 314. consisting as some say of 200. as others say of 600. Bishops, convoked by *Constantine* the great, before the first Council of *Nice*, to hear and determine the appeal of the Donatists, from the sentence of the Imperiall delegates, whereof *Malchiades* the Bishop of Rome was one. It were a strange sight in these daies to see a Pope turn Legate to the Emperours in a cause of Ecclesiasticall cognisance. Secondly, for the same reason that *Rome* and *Constantinople* in those daies of the Roman Puissance were dignified above all other Churches, because they were then the seats of the Emperours. *York* was then an Imperial City, the Metropolis of the chief Britannick Province, called at that time *maxima Caesariensis*, where *Severus* the Emperour died, and had his funerall pile upon *Severs* hill, a place adjoyning to that City, where *Constantine* the great was born, *in domo Regali vocata Pertinina*, in the Royal Palace, whereof some poor remainders

remainders are yet to be seen, then called *Pertenna*, now a small part of it called vulgarly *Bederna*, a very easy mistake, if we consider that the Brittish Pronounce *P.* for *B.* and *T.* like *D.* situate near Christs Church in *Curia Regis* or in the Kings Court, on the one hand, and extending it self near to St. *Helens* Church upon the walls, now demolished, on the other hand.

Although their silence alone to my former demand, (at least of so many whom I have seen that have written upon this Subject) be a sufficient conviction of them, and a sufficient vindication of us, yet for further manifestation of the truth; Let us consider first, that if we compare the ages and originals of the *Roman* and *Britannique* Churches, we shall find that the *Britannique* is the more ancient and Elder Sister to the *Roman* it self; The *Britannique* Church being planted by *Joseph* of *Arimathea* in the reign of *Tiberius Caesar*: where as it is confessed that Saint *Peter* came not to *Rome*, to lay the foundation of that Church, untill the second year of *Claudius*, *secundo Claudii anno in Italiam venit*. So if we look to the beginning, according to the direction of the Council of *Ephesus*, the *Britannique* Church in its first original was free from the Jurisdiction of the Bishop and Court of *Rome*, where there was neither Bishop, nor Court, nor Ecclesiastick Jurisdiction at that day.

The Brit-
tannique
Church an-
cienter then
the Roman.

*Gild. de ex-
id. et consue.
Brit.*

*Plas. in
vita Sancti
Petri. Bar.
an. 44.*

The Brit-
tannique
Churches
sided with
the Eastern
against the
Roman.

Secondly, that it continued free in ensuing ages appears evidently by that opposition which the Church of *Britain* maintained against the Church of Rome, siding with the Eastern Churches about the question of those times, concerning the observation of Easter, and the administration of Baptisme, wherein *Ausfine* about the six hundredth year laboured to conform them, but in vain. Is it credible that the whole British and Scottish Church should so unanimously have dissented from Rome, for many hundred years together, if they had been subject to the Jurisdiction of the Roman Bishop, as of their lawfull Patriarch, or that the Bishop of Rome in all that time should never so much as question them for it, if they had been his Subjects? Even then when Pope *Villor* durst attempt to deny or withdraw his communion from all the *Asiatick* Churches, about the same businessse. Neither were the Brittish Churches at last conformed to Rome by any Patriarchall power, but by many conferences, by the necessity of their civill affaires, and by long tract of time, some sooner, some later. A long tract of time indeed, when some in the most Septentrionall parts of these Provinces were not reduced until a little before the late reformation.

British Bi-
shops or-
dained at
home.

Thirdly, among the principal priviledges of patriarchall power is the right of ordination. That all Metropolitans at least should either

of the Church of England.

101

either be ordained by the Patriarch; or by License from the Patriarch.

This appears clearly in the dispute between the Patriarch of *Antioch* and the *Cyprian* Bishops; But where the Bishops were *αυτοκράτορι*, and *αυτονομισι* independent upon, not subject unto any forrain Prelate there, they ordained at their own pleasures, needed no License. Such were our British Primates ordained, alwaies, or ordinarily at Rome, according to the *Cyprian* priviledges, creating new Bishopricks, ordaining new Bishops at their own pleasures, without giving any account to *Rome*. So we read of *St. Telams*, who had been driven out of his own Country by an Epidemical sicknesse for a long time, that at his return he consecrated and ordained Bishops as he thought fit. That he made one *Hilmael* Bishop of *St. Davids*. And in like manner advanced many other men of the same order to the same degree, sending them throughout the country, and dividing the parishes for the best accommodation of the Clergy and of the People. And if there were no other prooffe of our exemption but onely the small number of the Bishops that were ordained by all the succeeding Popes for about the first three hundred years untill the death of *Marcellinus*; It were sufficient to shew that the Bishops of Rome in those daies had little or nothing to do out of their owne Province, and

— 4
Reg. Land.
apud Ust.
d prim.
Eccl. Brit. p.
56.

and that their jurisdiction extended nothing near so far as *Britain*.

Plat.

Saint *Peter* Ordained but three in his supposed five and twenty years, that is *Linus* and *Cletus*, ut *sacerdotale Ministerium Romano populo & advenis bene sentientibus exhiberent*, and *Clement* to whom he bequeathed his Episcopal Chair. *Linus* but eleven, *Clement* but fifteen, *Anacletus* but six, *Evaristus* but five, *Alexander* but five, *Sixtus* but four, &c. These were few enough for their own Province, and none to spare for *Britain*. In the whole term of three hundred years there were few above two hundred Bishops Ordained at *Rome*. *Italy* alone may brag well near of as many Bishops at one time, as many succeeding Popes did ordain in all their ages. Let them not tell us of the scarcity of Christians in those dayes. The writings of *Tertullian* and Saint *Cyprian*, and the Councils held within the time limited, do evince the contrary. No, the first badge of their Patriarchal authority in *Britain* was sending of the Pall, as the onely badge during the times of the *Britons* and *Saxons*; And the first Pall that came into *Britain* was after six hundred years.

The answer of
Dionotus.

But this doth yet appear much more clearly from the answer of *Dionotus* the Reverend and learned Abbot of *Bangor*, which according to the manner of those times was an University or Seminary of Learning

Learning and piety among the Britons, and he the well deserving Rector of it, made in his own name, and in the name of the Britons, when they pressed him to submit to the Roman Bishop as his Patriarch, that he knew no obedience due to him whom they called the Pope, but the obedience of love; And that under God they were to be governed by the Bishop of Caerleon. Spelm. Conc. An. 601.

Observe first, what strangers the Britons were to the Papacy, That man whom you call the Pope. Secondly, that they acknowledged no subjection or subordination, no obedience whatsoever due from them to Rome, but onely the reciprocal duty of love, that was just the same that Rome did owe to them. Thirdly, that under God, that is immediatly without any Forrein Prelate or Patriarch intervening, they were to be governed by the Bishop of Caerleon, as their onely Primate and Patriarch. Which priviledge continued to the succeeding Bishops of that See for many ages afterwards, saving that the Archiepiscopal Chair was removed from Caerleon to St. Davids in the Raigin of King Arthur. And lastly, observe the time when this answer was made, after the first six hundred years were expired. So it is a full demonstrative convincing proof for the whole term prefixed.

But lest any man should cavil and say, that Dionothus was but one man, and that the body of the British Clergy might be of

Confirme
by two
British Synods.

another mind ; that which followes strikes the question dead : That *Austin*, Saint *Gregories* Legate, proposing three things to the *Britons*. First that they should submit to the *Roman* Bishop. Secondly, that they should conforme to the customes of the *Roman* Province about the observation of Easter, and the administration of Baptisme. And Lastly, that they should joyn with him in Preaching to the *Saxons* : all the *British* Clergy assembled themselves together, Bishops and Priests in two several Synods, one after another, to deliberate hereupon, and after mature consideration, they rejected all his propositions Synodically, and refused flatly and unanimously to have any thing to do with him upon those terms. Insomuch as St. *Austin* was necessitated to return over the Seas, to obtain his own consecration, and after his return to consecrate the *Saxon* Bishops alone, without the assistance of any other Bishops. They refused indeed to their own cost, twelve hundred innocent *Monks* of *Bangor*, shortly after lost their lives for it. *Rome* was ever builded in blood ; Howsoever these words [*quavis Augustino prius mortuo*] have since been forged and inserted into venerable *Bede*, to palliate the matter, which are wanting in the *Saxon* Copy. The concurring Testimonies of all our Historiographers witnessing the absolute and unanimous refusal of the *Britons* to submit to *Rome*, and the matter

Spel. con.

an. 601.

Galt. mon.

l. 2. c. 12.

Beda &

omnes alii.

Resp. Greg.

ad. 8. quest.

Bed. l. 2. c.

2.

Ant. Brit. p.

48.

ter of fact it self, do confirm this for an undoubted truth beyond all exception. So clear a truth it is, that the British Churches for the first three hundred years neither ought nor paid any subjection to *Rome*. Whence might well proceed that answer of *Elutherius* to King *Lucius* (if that Epistle be not counterfeit) when he desired him to send over a Copy of the *Roman Lawes*, That *he should chuse a Law* [Ecclesiastical] out of *holy Writ* by the Councel of his Kingdom, that is principally of his Bishops, for (saith he) you are the Vicar of Christ in your Kingdom. The same in effect which is contained in the Lawes of *Edward the Confessor*. Hence it is that both our Histories and our Lawes do stile our Archbishops *Primates*, which in the Language of the Primitive times signifies as much as Patriarchs. And sometimes call them expressly by the very name of Patriarchs it self. Hence *Urban* the second intertained and welcomed *Anselm* our Archbishop of *Canterbury* into the Councel of *Barre*, *tanquam alterius orbis Papam*, as the Pope of another world; Or as others relate the passage, as the Apostle of another world, and a Patriarch worthy to be revered.

*Malm. prol.
ad. lib. de
gest. pont.
Aug. Glos.
juris C. Cle-
ros dist. 21.*

CHAP. VI.

That the King and Church of England had both sufficient authority and sufficient grounds to withdraw their obedience from Rome, and did it with due moderation.

Sovereign
Princes
have power
to alter
whatso-
ever is of
humane
institution
in Ecclesi-
astical disci-
pline.

*Append. de
Schism. Art.
4. p. 516.*

SO from the persons who made the separation, from the Lawes and Statutes of our Realm which warranted the separation, and from the ancient Liberties and priviledges of the Britanick Churches, I proceed to my fourth ground drawn from the Imperial prerogatives of our Sovereign Princes; That though we should wave all the other advantages, yet they had power to alter in the external discipline and regiment of the Church, whatsoever was of humane institution, for the benefit and advantage of the body polittick.

Doctor *Holden* proposeth the case right by way of Objection, *But peradventure the Protestants will say, that the King or supreme Senate of every Kingdome or Common-Wealth have power to make Lawes and statutes, by which, either directly, or at least indirectly, as well the Clergy as the Laity of that Kingdom or Common-Wealth are bound to reject all forraign Jurisdiction, superiority, and dependance. And that*

that this Legislative power is essentially annexed to every Kingdom and Commonwealth, seeing that otherwise they cannot prevent those dangers which may spring and issue from that fountain, to their destruction and ruin.

The Protestants do say so indeed without all peradventure, upon that very ground which is alledged in the objection. Neither do the Protestants want the suffrage of Roman Catholicks therein. Because humane nature (saith one) cannot be destitute of necessary remedies to its own preservation. And another, To whom a Kingdome is granted, of necessity all things are esteemed to be granted without which a Kingdome cannot be governed. And a Kingdome cannot be governed, unlesse the King enjoy this power even over Clerks, &c. Necessary remedies are no remedies, unlesse they be just, but worse then the disease. And being just, the Subject is obliged to active obedience.

Sum. l. 3. de prim. summi Pontificis cap. 1. num. 4. Morl. in Emp. jur. p. 1. tit. 2. Citati à Sanc. clau. in Art. 37.

But let us see what the Doctor pleads in answer to his own objection. First he passeth by the native power of civil Sovereign Empire, which ought not to have been omitted; for therein consists the main force of the argument. But as to the Ecclesiastical part, he saith he could demonstrate clearly, if it were needful, that the dependence of Bishops, and other Orthodox Christians upon the Pope, being rightly conceived as it is, and as it is really necessary, according to the certain and true principles of Catholick Religion, doth

Append. de Schism. p. 527.

not

not bring any the least shadow of danger to the Common-Wealth, though in hostility with the Pope, or of a different communion from the Pope. If we lived in Plato's Common-Wealth, where every one did his duty, this reason were of more force. Far be it from us to imagine, that the right exercise of any lawful power, grounded upon the certain and true principles of Catholick Religion, should be dangerous to any Society. But this is not our case. What if the Bishops and Court of *Rome* have swerved from those certain and true principles of Catholick Religion? or have abused that power which was committed to their trust by Christ, or by his Church? Or have usurped more authority then did belong unto them? Or have Engrossed all Episcopal Jurisdiction to themselves, leaving the Bishops of the Land but Cyphers in their own Diocesses? Or have hazarded the utter ruine and destruction of the Church by their Simony, extortion, provisions, reservations, and exemptions? Or have obtruded new unwarrantable Oathes upon the Subjects, inconsistent with their allegiance? Or have drained the Kingdome of its treasure by pecuniary avaricious arts? Or have challenged to themselves a negative voice against the right heir of the Crown; Or authority to depose a crowned King, and absolve his Subjects from their Oathes and allegiance to their Sovereignes? And have shewed themy

themselves incorrigible in all these things. This is our case. In any one of these cases, much more in them all conjoyned, it is not onely lawful, but very necessary for Christian Princes to reform such grosse abuses, and to free themselves and their Subjects from such a tyrannical yoke, if they can by the direction of a general Councel, if not of a Provincial. And it is not Schisme but Loyalty in their Subjects to yeild obedience.

The same Author proceeds, That no civil power how Sovereign soever can correct the fundamental articles of Christian faith, nor pervert the order of sacred rites received by universal tradition as instituted by Christ, nor justify any thing by their Edicts which is against Christian charity. To all this we do readily assent, and never did presume to arrogate to our selves, or to exercise any such power. But still this is wide from our case. What if the Bishop of Rome have presumed to coyn and attempted to obtrude upon us new Articles of Faith, as he hath in his new Creed, and to pervert the sacred rites instituted by Christ, as in his with-holding the Cup from the Laity? Then without doubt not we, but he is guilty of the Schisme; Then it is lawful to separate from him in his innovations, without incurring the crime of Schisme. This is laid down by the Author himself as an evident conclusion, and we thank him for it; That it is necessary for every Christian to acknowledge no authority under heaven, either

P. 518.

Protestants in their reformation have altered no Articles of Religion nor sacred rites, nor violated Charity.

p. 533.

Eccle.

p. 528.

Ecclesiastical or Civil, that hath power to abrogate those things that are revealed and instituted by Christ, or to determine those things which are opposite unto them, quod Schismatis origo foret, which should be the original of Schisme. But where that Author infers as a corollary from the former Proposition, That no Edict of a Sovereign Prince can Justifie Schisme, because all Schisme is destructive to Christian charity; I must crave leave with all due respect to his person, to his learning, to his moderation, and to his charity, to rectifie that mistake. If by Schisme he understand criminal Schisme, that which he saith is most true; That were not onely to Justifie the wicked, which is an abomination to the Lord, but to justifie wickednesse it self; But every separation or Schisme taken in a large sense is not criminal, nor at all destructive to Christian Charity. Sometimes it is a necessary, Christian, charitable duty. In all the cases that I have supposed above, and shall prove hereafter, they that make the Separation continue Catholiques, and they that give the cause become the Schismatiques.

But it may be urged, That this proceeds from the merit of the cause, not from the authority of the Sovereign Prince.

I answer, It proceeds from both. Three things are necessary to make a publique reformation lawful; Just grounds, due moderation, and sufficient authority. There may

may be just grounds without sufficient authority, and sufficient authority without just grounds; and both sufficient authority and just grounds without due moderation. But where these three things concur, it justifies the reformation before God and man, and renders that separation lawful, which otherwise were Schismatical.

Lastly, it is alledged, That the power of the Sovereign Magistrate is not so absolute that

p. 530.

he can command any thing at his pleasure, so as to oblige his Subjects to obedience, in things repugnant to the Law of nature, or the positive Law of God. No Orthodox Christian can doubt of this truth. The authority of the

Augustine

inferiour ceaseth, where the Superiour declareth his pleasure to the contrary. *Da veniam Imperator, tu carcerem, ille gehennam minatur, Pardon me O Emperour, thou threatenest me with imprisonment, but God Almighty with hell-fire.* But this is nothing to our case, neither the Law of Nature, nor the Law of God doth injoyne *Brittish* Christians to buy pardons, and indulgences, and dispensations, and Bulls, and Palls, and priviledges at Rome, contrary to the fundamental Laws of the Realm. *Boniface* the eighth by his Bull exempted the University of Oxford from the Jurisdiction of the Archbishop of Canterbury, whereupon did grow a controverſie between *Thomas Arundel* Archbishop, and the University; And the said Bull was decreed to be void by two succeeding

Nor swerved from the Law of nature, or positive Lawes of God.

Ex Archiepiscopi Turris Londonensis citat author Antiquit. Acad. Cantab.

Kings,

Kings, Richard the second, and Henry the fourth in Parliament, as being obtained in *prajudicium Corona sua, & Legum & consuetudinum Regni sui enervationem*, to the prejudice of his Imperial crown, and to the weakening of the Lawes and Customes of his Realm.

In cases
doubtful
we may not
disobey the
King and
the Lawes:
Exod. i. 17.
1 Sam. 22.
17.

August.
Unjust
commands
may be
justly
obeyed,

But this disobedience to the decrees of Sovereign Princes must be joyned with passive obedience, it must be onely when and where their commands are evidently unjust, such as *Pharaohs* commanding the Hebrew Midwives to kill all the Male children, or *Sauls* injoyning his guard to slay the Priests of the Lord, or like *Nebuchadnezzars* idolatrous edict, charging all men to fall down and worship his golden Image. For otherwise if the case be doubtful, it is a rule in Case divinity, *Subditis tenentur in favorem Legis judicare*, Subjects are bound to judge in favour of the Law; Otherwise they run into a certain crime of disobedience, for fear of an uncertain. A War may be unjust in the Prince, and yet the Souldier be guiltlesse. Nor is the Subject obliged to sift the grounds of his Sovereigns commands too narrowly. It happens often, that *reum facit Principem iniquitas imperandi, innocentem subditum ordo serviendi*, The Prince may be unjust in his commands, and yet the Subject innocent in his obedience. Take the case at the worst, it must be doubtful at the least, the Popes Sovereignty and the Jurisdiction of the Roman Court being rejected by three parts
of

of the Christian world, and so unanimously shaken off by three Kingdoms. And in such a case, who is fittest to be Judge, the Pope, the People, or the King; Not the Pope, he is the person accused, And *frustra expectatur cujuslibet autoritas contra seipsum*, It is in vain to expect that one should employ his authority against himself. Not the people; would a Judge take it well, that a Gaoler should detain the Prisoner from execution, untill he were satisfied of the justice of his sentence? Or a Pilot that he may not move his Rudder according to the alterable face of the heavens, but at the discretion of the ordinary Marriners? No, whensoever any question hath been moved between any kingdom or Republick of what Communion soever and the Court of Rome, concerning the liberties and priviledges of the one, or the extortions and inroachments of the other, they have evermore assumed the last Judicature to themselves, as of right it doth belong unto them.

The Romanists themselves do acknowledge that Sovereign Princes by the Law of God and nature, not only may, but are in justice obliged to oppose the tyranny of Ecclesiastical Judges, and to protect and free their subjects from their violence and oppression. *Parsons* himself wondreth that any man should deny this power to Kings in their own kingdoms. But we are fully satisfied and assured, that that universal

Princes are
obliged to
protect
their sub-
jects from
the tyran-
ny of Ec-
clesiastical
Judges.
Parf. last
&c.

Citati d
Sancta
Clara in
Art 37. p.
425. & 426.

power which the Pope claimes by Divine right over all Christians, and particularly over the *Britannique* Churches without their consents; And much more that Jurisdiction which *de facto* he did, or at least would have exercised there, (and lesse then which he would not go) to the destruction of their natural and Christian liberties and priviledges, was and is a tyrannical and oppressive yolk. If all Christians were as well satisfied of the truth of this our assumption as we are, this controversie were at an end. And thus far all *Roman* Catholicks not interested, nor prepossessed with prejudice, do accord fully with us, that by whomsoever Papal power was given, whether by Christ, or his Apostles, or the Fathers of the Church in succeeding ages, it was given for edification not for destruction. And that the *Roman* Court in later dayes hath sought to impose grievous oppressive and intolerable burthens upon their subjects, which it is lawful for them to shake off, without regarding their censure, as we shall see in the next proposition. But because all are not so well satisfied about the just extent of Papal authority and power, we must search a little higher.

Secondly, we do both agree, that Sovereign Princes may be enabled, and authorized, either by concession or by prescription for time immemoriall, (perhaps it were more properly said by vertue of their
Sovereign

Sovereign authority over the whole body politique, whereof the Clergy are a part) to exercise all external acts of Ecclesiastical coercive Jurisdiction, by themselves, or at least by fit delegates, *precipiendo suis subditis Sacerdotibus, ut excommunicent rebelles & contumaces.* And this is asserted in the case of Abbesses, which being women are lesse capable of any spiritual Jurisdiction. The truth is, that as all Ecclesiastical Courts, and all Ecclesiastical coercive jurisdiction did flow at first either from the Bounty and goodnesse of Sovereign Princes to the Church, or from their connivence, or from the voluntary consent and free submission of Christians; *Volenti non fit injuria*, consent takes away error, (I except alwayes that jurisdiction which is purely spiritual, and an essential part of the power of the Keies, whereof Emperours and Kings are not capable.) So whensoever the Weal-publick and the common safety of their people doth require it, for advancement of publick peace and tranquillity, and for the greater ease and convenience of the subject in general, according to the Vicissitude and conversion of humane affairs, and the change of Monarchies, they may upon well grounded experience in a National Synod or Council, more advisedly retract what their predecessours had advisedly granted or permitted. And alter the face and rules of the external discipline of the

Kings may exercise external acts of Ecclesiastical jurisdiction by fit delegates.

Church, in all such things as are but of humane right, when they become hurtful or impeditive of a greater good: in which cases their subjects may with good conscience, and are bound in duty to conform themselves to their Lawes. Otherwise Kingdoms and Societies should want necessary remedies for their own preservation, which is granted by both parties to be an absurdity.

The Emperours of old did the same.

Weigh all the parts of Ecclesiastical discipline, and consider what one there is which Christian Emperours of old did not either exercise by themselves, or by their delegates, or did not regulate by their Lawes, or both, concerning the privileges and revenues of holy Church, the calling of Councils, the presiding in Councils, the dissolving of Councils, the confirming of Councils, concerning holy Orders, concerning the patronage of, and nomination to Ecclesiastical benefices and dignities, concerning the Jurisdiction, the suspension, deposition, and ordering of Bishops, and Priests, and Monks, and generally all Persons in holy orders, concerning Appeals, concerning Religion and the Rites and Ceremonies thereof, concerning the Creeds or common Symbols of faith, concerning Heresie, Schisme, Judaisme, the suppression of Sects, against Swearing, Cursing, Blaspheming, Prophaneness, and Idolatry, concerning Sacraments, Sanctuaries,

aries, Simony, Marriages, Divorces, and generally all things which are of Ecclesiastical cognisance, wherein he that desires satisfaction, and particularly to see how the coercive power of Ecclesiastical Courts and Judges did flow from the gracious concessions of Christian Princes, may (if he be not too much possessed with prejudice) resolve himself, by reading the first Book of the *Code*, the *Authentiques* or *Novels* of *Justinian* the Emperour, and the *Capitulars* of *Charles* the great, and his successours Kings of *France*. We have been requested, said *Justinian*, by *Menna* the Archbishop of this City, beloved of God, and universal Patriarch, to grant this priviledge to the most reverend Clerkes, &c. in pecuniary causes referring them first to the Bishop, and if he could not compose or determine the difference, then to the secular Judge; And in criminal causes if the crime were civil, to the civil Magistrate, if Ecclesiastical, to the Bishop. By the Councel of our Bishops and Nobles (said *Charles* the great) we have Ordained Bishops throughout the Cities, (that is, we have commanded and authorized it to be done.) And do decree to assemble a Synod every year, that in our presence the Canonical decrees, and Lawes of the Church may be restored. I beseech you, what did our King *Henry* and the Church of *England* more at the reformation ?

Novel. 83.

Lib. 5. ca. pit.

It is true, Sovereign Princes are not said

Popes con-
vented, im-
prisoned,
deposed by
Emperours.

properly to make Canons, because they do not prescribe them under pain of Excommunication, or suspension, or degradation, or any spirituall punishment. But to affirm that they cannot make Ecclesiasticall constitutions, under a civill pain, or that they cannot (especially with the advise and concurrence of their Clergy assembled in a National Synod) reform errours and abuses, and remedy incroachments and usurpations, and innovations, either in faith or discipline, and regulate the new Canons, or Customes of Intruders and Upstarts, by the old Canons of the primitive Fathers, is contrary to the sense and practise of all antiquity. King *Solomon* deposed *Abiathar* from the high Priesthood and put *Sadoc* in his place. Nor want we Presidents of Popes themselves who have been convented before Emperours, as *Sixtus* the third before *Valentinian*, though *Platina* mince the matter a little too much, (*damnatur Bassus calumniator iniquus annuente Valentiniano &c.*) *Leo* the third before *Charles* the great. That have been banished by Emperours, as *Libertius* unjustly banished by *Constantinus*, and more unjustly restored, *Sylvester* justly banished by *Iustinian*. That have been imprisoned by Sovereign Princes, as Pope *John* the first by *Theodoric*. That have been deposed by them, As *John* the twelfth by *Otho* the great, and *Gregory* the sixth by *Henry* the second, *Henricus secundus in Itali-*

am cum magno exercitu venient, habita Synodo, cum Benedictum novum, Sylvestrum tertium, Gregorium sextum, tanquam tria teterrima monstra abdicare se magistratu coegisset &c.

Platin. in
Greg. 6.

Henry the second coming into Italy with a great army, having convoked a Synod, when he had compelled Benedict the Ninth, Sylvester the third, and Gregory the sixth, as three most filthy monsters to quit their government, he created Syndeger Bishop of Bamberge, afterwards Clement the second Pope. Of old when any Schisme did infest the Roman Church, (as I think no See in the World hath been oftner rent asunder by pretenders to the Papacy) the Emperours when they pleased did assume unto themselves the cognisance thereof, and determine the succession either by themselves, or by their Exarch, or Delegates, as *Honorius* between *Boniface* the first and *Eulalius*, *Theodoric* the King between *Symmachus* and *Laurentius*. The Exarch of *Ravenna* between *Sergius* the first and *Paschalis*. *Otho* the third between *John* the Seventeenth and *Gregory* the fifth. But when these imperiall acts are done in Synods, they are more authentique and more conform to Antiquity.

Plat. in Bon.
1. Plat. in
Sym.

Thirdly, our learned and ingenuous countryman *Davenport*, under the name of *Franciscus à Sancta Clara*, (far be it from me to censure Christian charity and moderation for lukewarmnesse, or Atheistical neutrality, like those whose chief religion consists in

P. 425.

An. 1110:

The Council of Towers allows to withdraw obedience from the Pope in certain cases.

conc. Turon.
Resp. ad
Art. 3.

crying up a faction, I rather wish he had been more universally acquainted with our English Doctrine) in his paraphrastical exposition of our English Articles, to this question, *How and whether it be lawful in points of faith to appeal from the Pope, and to decline his Judgment*, cites the resolution of Gerson in these words following, *Hac etiam practicum est per quoscunque Reges et Principes, &c.* This also hath been practised by all Kings & Princes, who have withdrawn themselves from the obedience of those whom such or such did Judge to be Popes, which substractions neverthelesse were approved by the sacred Councell of Constance, some expressly, some implicitly. The most Christian King Lewis the twelfth convoked a Nationall Councell of the French Church at Towers, wherein sundry Articles were proposed, deliberated of, and concluded, touching these affaires. The third Article was, that if the Pope should invade another Prince in an hostile manner, and excite other Princes to invade his territories, whether that Prince might not lawfully withdraw himself from the obedience of such a Pope; where observe, that though this case alone be specified, as being fitted to that present controversy between the King of France and the Pope; yet all other cases of the same nature or consequence are included, And *conclusum est per Concilium principem posse ab obedientia Papae subducere ac substrahere; non tamen in totum et indistincte*

sanctis, sed pro tuitione tantum ac defensione
 jurium suorum temporalium. It was concluded
 by the Councel, that the Prince might withdraw
 himself from the obedience of the Pope; yet not
 totally, nor indistinctly, but onely for the defence
 of his temporal rights. The fourth proposi-
 tion was, when such a subtraction was law-
 fully made, what the Prince and his sub-
 jects, more particularly Prelates and other
 Ecclesiastiques, ought to do in such things,
 for which they had formerly no recourse
 to the Apostolique See. And *conclusum est*
per concilium servandum esse jus commune, anti-
quum, et pragmaticam Sanctionem regni, ex
decretis Sacro-Sancti concilii Basiliensis de-
sumptam. It was concluded by the Councell,
 that the ancient common right was to be pre-
 served, and the pragmaticall Sanction of the
 Kingdom, taken out of the Decrees of the Sa-
 cred Councell of Basil. The eighth propo-
 sition was, if the Pope proceeding unjustly,
 and by force should pronounce any censures
 against such a Prince, whether they ought
 to be obeyed. And *conclusum est unanimi-*
ter per concilium talem sententiam nullam esse,
nec de jure vel alio quocunque modo ligare. It
 was concluded unanimously by the Councell,
 that such a Sentence was of no force, not bind-
 ing in law, or any other way; which opinion
 or resolution of theirs the above-menti-
 oned Authour saith, he ought not to con-
 demne whilst the Church doth tolerate
 it.

Resp. ad
Art. 4.

Resp. ad
Art. 8.

Behold

Behold a principall cause of the separation of the English Church from the Pope, the usurpations and incroachments of the Roman Court upon the Politicall rights of the Crown, which they would not let go, until they were quite shaken off.

*In tract. de
potest. Pa-
pe et Impe-
rat.*

Antonius de Rosellis a zealous assertour of the Papall authority concludes, that the Pope being an heretick, or an Apostate, though but in secret, it is lawful (without any sentence or declaration preceding) for any of his Subjects that know it, Especially for Kings and Princes, to depart from him, and withdraw themselves from under his power by that naturall right which they have to defend themselves.

*Princes
may reform
new Ca-
nons by
old.*

This may well be doubted of in the case of private persons, before sentence, by those who believe him to be constituted by Christ the Sovereign Monarch of the Universall Church; But in the case of Sovereign Princes with Provincial Councells, when Generall Councells cannot be had, and much more when General Councells have given their sentence formerly in the case (as the Councells of *Constance* and *Basil* have done concerning the Papacy,) And with us who are sufficiently resolved that St. Peter had no preheminance above his fellowes, but onely principality of order and the beginning of unity; And that whatsoever power the Bishop of Rome hath more then any other Bishop, it is meerly from the custome's

of

of the Catholique Church, or from the Canons of the Fathers, or from the Edicts of Princes, and may be taken away, upon sufficient grounds, by equall authority to that by which it was acquired; I say in this our case there can be no doubt at all. And yet it can much lesse be doubted whether a Sovereign Prince with a National Synod may remedy the incroachments and usurpations of the Roman Court, within his own dominions, or exclude new Creeds and new Articles of faith, lately devised and obtruded, contrary to the determination of the General Council of *Ephesus*, of which let us hear what is Doctor *Holdens* opinion, *Notum est inter Catholicos omnes tanquam axioma certissimum, &c.* It is known that all Catholicks do hold this as a most certain axiome, that nothing ought or may be maintained for a Christian revealed truth, but that which was received by our Ancestors, and delivered from one generation to another by continued succession from the times of the *Apostles*. This is all that we have done, and done it with due submission to the highest Judge of Ecclesiastical controversies upon earth, that is a general Council. If the Court of Rome will be humorous, like little children, who because they cannot have some toy that they have a mind to, do cast away all that their parents have given them, we cannot help it.

Over and above all the former grounds
which

Part. 2. A&.

6.

C. 7.

de. resol.

fid. l. 1. C.

8. P. 152.

Patriarchal
power sub-
ject to Im-
perial.

Lib. 2. Ep.
61.

which the Romanists themselves do in some sort acknowledge. I propose this further, that Patriarchal power in external things is subject and subordinate to Imperial. When *Mauritius* the Emperour had made a Law that no Souldier should turn Monk, untill his warfare were accomplished, St. *Gregory* Bishop of Rome disliked the Law, and represented his sense of it to the Emperour, but withall according to his duty published it, *Ego quidem missioni subiectus eandem legem per diversas terrarum partes transmittito, & quia lex ipsa omnipotenti deo minime concordat, Ecce per suggestionis meae paginam dominis nunciaui; utrobique ergo quae debui exolui, qui & Imperatori obedientiam praeui, & pro deo quid sensi minime tacui.* I being subject to your command have transmitted your Law to be published through diverse parts of the world. And because the Law it self is not pleasing to Almighty God; I have represented my opinion thereof to my Lords; Wherefore I have performed my duty on both sides, in yielding obedience to the Emperour, and not concealing what I thought for God. A most rare and Christian president of that great Patriarch, and fit for our observation and imitation in these dayes; He acknowledged the Emperour to be his Lord, and himself to be subject to his commands. And though no humane invention can warrant an act that is Morally evil in it self, yet if it be onely impeditive of a greater good, as that blessed Saint

Saint did take this Law to be, the command of a Sovereign doth weigh down the scale, and obligeth a Patriarch to obedience in a matter that concerns Religion. How much more doth the command of the English Monarch and the English Church disoblige an English subject from a forreign Patriarch, whose Original right is but humane at the most, and in the case in question between Rome and England none at all

But to come up yet closer to the question. The general Councils of *Constantinople* and *Chalcedon*, with the presence, concurrence and confirmation of *Theodosius* the great & *Martian* the Emperours, notwithstanding the opposition of the Roman Bishop by his Legates, did advance the Bishop of *Constantinople* from being a poore Suffragan under the Metropolitan of *Heraclea*, to be the second Patriarch, and equal in dignity power and all manner of priviledges, to the first, and assigned unto him for his Patriarchate *Pontus*, and *Asia* the lesse, and *Thracia*, and some other countries, part of which territories they substracted from the obedience of the Roman Bishop, at least over which the Roman Bishops challenged Jurisdiction, and part from other Patriarchs. And the reason of this alteration was the same for which *Casarea* of old was a long time preferred before *Hiernusalem*, and *Alexandria* before *Antioch*, and Rome before all others, to conform the Ecclesiasticall regiment

Emperours
have
changed
Patriar-
chats.

Conc. Const.
can. 3.
Conc. Chalc.
can. 8.

regiment to the Politicall, because *Constantinople* was made of a mean City the seat of the Eastern Empire, and had as many Diocesses and Provinces subject unto it as old Rome it self.

By their
authority.

Novel. 11.

et

Novel. 131.

But lest it may be conceived, that this was not done at all by Imperial power, but by the authority of the Oecumenical Synods, we may observe further, that *Justinian* the Emperour by his sole Sovereign Legislative power did new-found the Patriarchate of *Justiniana prima*, and assign a province unto it, and indow it with most ample priviledges, freeing it from all appeals, and all acknowledgment of superiority, giving the Bishop thereof equal power with that which the Bishop of Rome had in his Patriarchate. The same priviledges and prerogatives were given by the same Emperour, by the same Legislative authority, to the Bishop of Carthage, notwithstanding that the Bishops of Rome did alwayes pretend that Carthage was under their Jurisdiction. I deny not that *Vigilius* and *Gregory* succeeding Popes did make deputations to the Bishop of *Justiniana*, to supply their places. But this was but an old Roman fineness. The Bishops of *Justiniana* needed none of their Commissions. *Justinian* the Father and founder of the Imperial Law knew well enough how far his Legislative power did extend. And though the Act was notorious to the whole world, and inserted into the

the body of the Law, yet the Fathers of that age did not complain of any innovation, or usurpation, or breach of their priviledges, or violation of their rights.

King *Henry* the Eighth had the same Imperial power, and was as much a Sovereign in his own Kingdomes, as *Justinian* the Emperour in his larger Dominions, (as *William Rufus*, Son and successor of the Conquerour said most truly, that *the Kings of England have all those liberties in their own Kingdomes, which the Emperours had in the Empire*) and had as much authority to exempt his own subjects from the Jurisdiction of one Patriarch, and transferre them to another, especially with the advise, consent and concurrence of a National Synod. So King *Arthur* his predecessor removed the Primacy from *Carleon* to Saint *David's*, and another of them to *Canterbury*, for the advantage of their subjects according to the exigence of the times.

English
Kings as
Sovereign
as the Em-
perours.

Math.
Paris.

If the Pope had been the King of Englands Subject, as former Popes were the Emperours, he might have served him as they did some of his predecessors, called a Council, regulated him, and reduced him to order and reason; or, if he proved incorrigible, have deposed him. But the Pope being a stranger, all that he could justly do was what he did, rather then to see his royal prerogative daily trampled upon, his Lawes destroyed, his Subjects oppressed,
rather

rather then to have new Articles of faith daily obtruded upon the English Church, rather then to incur the peril of willful Idolatry, against conscience and therefore formal, to Cashier the Roman Court, with all their pardons and indulgences and other Alchymistical devices, out of his Kingdoms, until time should teach them to content themselves with moderate things, which endure long. Or untill either a free Oecumenical Council, or an European Synod should settle controversies, and tune the jarring strings of the Christian world. In the mean time we pity their errours, pray for their amendment, and long for a reunion.

Two sorts
of grounds
for sub-
struction of
obedience.

Now the just grounds of such subduction or separation are of two sorts; either the Personal faults of the Popes, or their Ministers, as in the case of Simony and Schisme, which ought in justice to reflect upon none but the persons who are guilty; Or else they are faulty principles and rules, as well in point of Doctrine as of Discipline, such as the obtruding of new Creeds, the pressing of unlawful oaths, and the palpable usurpation of the undoubted rights of others. And these do justifie and warrant a more permanent separation, that is, untill they be reformed. Wherefore having taken a view of the sufficiency of the authority of our Princes to reform; In the next place it is worthy of our serious consideration

consideration what were the true grounds of the separation of the Kingdom and Church of England from the Court of Rome. And secondly, whether in the subduction or subtraction of their obedience or Communion they observed due moderation.

The grounds of their separation were many, first the intolerable extortions and excessive Rapine of the Court of Rome, committed in that Realm, by their Legates and Nuncios, and Commissioners, and Collectors, and other inferiour Officers and harpies, enough to impoverish the kingdom, and to drain out of it all the treasure that was in it, and leave it as bare as a Grasshopper in winter, by their indulgences and pardons for all kind of sin at a certain rate, Registered in their penitentiary tax. Yea as *Ticelius*, the Popes pardoner made his bragg in *Germany*, though a man had ravished the Mother of God, yet so soon as the money did but chink in the bottom of the Bason, presently the soul flew out of Purgatory. To these we may add their dispensations of all sorts, and Commutations, and Absolutions, and Contributions, and Reservations, and Tenths, and first Fruits, and Appeals, and Palles, and a thousand other Artifices to get money. As Provisions, Collations, Exemptions, Canonisations, Divolutions, Revocations, Unions, Commendams, Tolerations, Pilgrimages, Jubilees, *Nulla hic*

Our first ground.

*Chenais.
Exa. Conc.
Frid.*

K

archid

Mant.

arcana revelo saith Mantuan.

*Venalia nobis**Templa, Sacerdotes, altaria Sacra corona,**Ignis, thura, preces, cælum est venale deusq;*

Temples, Priests, Altars, Myters, holy Orders, Prayers, Masses, Heaven, and God himself are salable at Rome. It is no marvel, they that buy must sell; And whilest I am writing these things comes fresh intelligence of a Book lately set forth, *de Simonie presentis Pontificis*, (they say) not penned, but dictated by such as know right well the most secret Cabales, and Intriques of the Conclave. *Nam propius fama est hos tangere Divos*; which I can easily impute more to the fault of the place, then of the man. The oblation of the body and blood of Christ is sold, fastings and penitentiary works are sold, *qui non potest jejunare per se, potest jejunare per aliam, vel potest dare nummam pro jejunio*. The merits of the Saints being alive are sold, their relicks being dead are sold, Scapulars and Monastick garments are sold. The Jewes with their Oxen, Sheep, and Doves, were but petty Merchants in comparison of these great bankers. Did any man desire a pall? the Law it self did direct them what to do, *pallium non datur nisi foraster postulanti*; The Pall would not be given but to those that knocked hard with a silver hammer. Was any man a Suppliant to the Court of Rome? *Matthew Paris* puts him into a right way.

*Tunc*Dist. 100.
c. 2.

Tunc sedes clementissima qua nulli deesse consci-
vit, dummodo albi aliquid vel rubei interce- In Hen. I.
dat, prescriptos Pontifices & Abbates ad pristi- an. 1103.
nas dignitates misericorditer revocavit; Then
the most pious See, which is not accustomed
to be wanting to any suppliants, so they bring
white or yellow advocates along with them, did
mercifully restore the said Bishops and Abbats
to their former dignities. It is almost incre-
dible what a masse of treasure they collected
out of England in a short time onely from
investitures, and some other exactions from
Bishops, in foure years, no lesse then an
hundred and sixty thousand pounds ster-
ling as was found by inquisition. Archbi-
shop Cramer paid for his Bulles that con-
cerned his Consecration and Pall nine hun-
dred Ducats, To such an height were the
extortions of the Roman Court mounted.
Ex ungue leonem, Judge by this what the
Popes yearly income or revenue out of
England might be, by all these arts which
we have formerly mentioned, and many
more. Sometimes under pretense of re-
covering the holy Land. Sometimes to
relieve the poverty of the Roman Court,
Sometimes in palfries, Sometimes in forged
bills of Exchange, Sometimes in extorted
subsidies, Sometimes to a certain summe,
Sometimes to the fifth part of their goods,
Sometimes to the third part of Residents,
and the half of non-residents, Sometimes
in yearly revenues, as two Prebends of every
Bishop,

Ant. Brit.
pag. 326.

Math.
Paris. an.
1237.

Bishop, and the value of the maintenance of two Monks from every Abbat. Sometimes out of the goods of rich Clergy men who died intestate, Sometimes a years wages for payment of Souldiers; some five, some ten, some fifteen according to their estates, Sometimes in Jewels, of all which he that desires to be more fully informed, needs but to read *Matibew Paris* who describes the abuses and extortions of the Roman Bishops Graphically throughout his History; And in one place he bemoanes the condition of England in these words, *Erat igitur videre dolorem praeordiale genus sanctorum irrigare, querelas erumpere, suspiria multiplicare, dicentibus multis cum singula cruentato, melius est nobis mori quam videre mala gentis nostrae & Sanctorum. Va Anglia quae quondam princeps provinciarum, domina gentium, speculium Ecclesiae, religionis exemplum, nunc facta est sub tributo, conculcaverunt eam ignobiles, & facta est in pradam de generibus, &c.* Therefore a man might see sorrow of heart, Water the eyelids of holy men, complaints break out, and groans multiplied, many saying with bloody sighs, It is better for us to die then to see the misery of our Nation, and of holy persons. We be to England which once was the Princess of Provinces, the Lady of Nations, the glasse of the Church, a pattern of Religion, but now is become tributary, Ignoble fellows have trodden her under foot, And she is made a prey to base persons.

Neither

Neither was this the complaint of the Vulgar onely : All conscientious men were of the same mind. Who hath not heard of the bitter complaints and free declamations of *Grofthead* the learned and Religious Bishop of *Lincolne*, against the Tyranny and Rapine of the Roman Courts, both in the time of his health, and upon his death-bed ? for which he was stiled *Romanorum malleus*, *The hammer of the Romans*, where-
 by he so much irritated the Pope, that he would have deposed him, and accursed him in his life time, if he had not been dissuaded by his Cardinals in respect of the learning, and holinesse, and deserved reputation of the Bishop ; And after his death would have had his Corps disinterred and buried in a dunghill, but that the Bishop appeared to him the night before, and gave him, or seemed to give him such a shrewd remembrance, partly with words, and partly with his crozier staffe, that the Pope was much terrified and half dead, so that he could neither eat nor drink the day following.

Math. Par. in H. 3. an. 1253.

Idem. An. 1254.

The Pope excommunicated *Sewalus* the Archbishop of *York* with Bell Book and Candle, But *non curavit voluntati papale relicto faris rigare muliebriter obedire. Quapropter quanto magis precipient Papa maledicebatur, tanto plus a populo benedicebatur tacite tamen propter metum Romanorum.* He cared not to submit womanishly to the Popes Will, leaving the straight rule of the Law.

Idem. An. 1257.

Wherefore the more he was accused by the Popes command, the more he was blessed of the People, but secretly for fear of the Romans. In his last sicknesse he summoned the Pope before the Tribunall of the high and incorruptible Judge, and called Heaven and Earth to be his witnesses how unjustly the Pope had oppressed him, *Dixit Dominus Petro, &c.* The Lord said unto St. Peter, feed my sheep, not clip them, not flea them, not unbowell them, not devoure them. They who desire to know what opinion the English had of the greedinesse and extortion of the Court of Rome, may find them drawn out to the life by Chaucer in sundry places.

Id. An.
1358.

Plowmans
tale and
else where.

Our second
ground.

Such thriving Alchymists were never heard of in our daies, nor in the daies of our fore-Fathers, that with such ease and dexterity could change an ounce of lead into a pound of gold. So they had great reason to say of England that it was a Well that could not be drawn dry. And England had as much reason to whip these Buyers and Sellers out of the Temple. This complaint is neither new nor particular as we shall see further in due place.

The second ground of our Ancestors separation of themselves from the Court of Rome, were their most unjust usurpations, and daily incroachments and intrenchments, and extream violations of all sorts of rights, civill and Ecclesiastical, sacred and prophane. They indeavoured to rob the
King

King of the fairest flowers of his Crown,
As of his right to convocate Synods, and
to confirm Synods within his own dominions,
of his Legislative and judiciary power
in Ecclesiasticall causes, of his Politicall
Jurisdiction over Ecclesiasticall persons, of his
Ecclesiasticall Feuds and Investitures of
Bishops, of his just Patronages of Churches
founded by his Ancestors, and of the last
appeals of his subjects. And as if all this had
been too little, taking advantage of King
Johns troubles, they attempted to make the
royall Scepter of England Feudatory and
tributary to the Crosier staffe of Rome at
the annuall rent of a thousand marks. Nei-
ther is this the case of England alone, see-
ing they make the like pretensions in matter
of fact almost to all Europe. To say no-
thing now of that Dominion which some
of them have challenged indirectly, others
directly over Sovereign Princes, *Nos impe-*
ria, regna, principatus et quicquid habere mor-
tales possunt, auferre et dare posse. We have
power to take away and to give Empires, King-
doms, Principalities, and whatsoever mortal men
can have ; because I confesse that it is not
generally received by the Roman Church.

*Episc.
Eleusis.*

*Plat. in
Greg. 7.*

Mr. *Blackwell* made Archpriest of Eng-
land by *Clement* the eighth, cites *Cardinal*
Allen, with much honour to his memorie,
but much scandalized at his doctrine, that
none can be admitted King of England
without the Popes leave : His words are

*Larg. Ex-
am. p. 18.*

Admon. to
the Nobility
by
Card. Allen.
1. 8.

these, without the approbation of the See Apostolique, none can be lawfull King or Queen of England by reason of the ancient accord made between Alexander the third the year 1171. and Henry the second then King, when he was absolved for the death of St. Thomas of Canterbury, That no man might lawfully take that Crown, nor be accounted as King till he were confirmed by the Sovereign Pastor of our souls which for the time should be. This accord afterwards being renewed about the year 1210. by King John, who confirmed the same by oath to Pandulphus the Popes Legate, at the special request and procurement of the Lords and Commons, as a thing most necessary for preservation of the Realm from unjust usurpation of Tyrants, and avoiding other inconveniences which they had proved, and might easily fall again into, by the disorder of some Wicked King. To which he adds with the like disapprobation a like testimony of Stanislaus Christa novic a Polonian author, who infers upon the former ground that the Pope may depose the King of England, as being but a tributary King, his words are these, *Illud impie Legislatores per iurjurandum extorquent a Catholicis, &c.* The law-makers do impiously by an oath extort this from Catholicks, to deny that the King may be deposed by the Pope, and his Kingdomes and Countries by him disposed of. For if by an Honourable and pious grant the Kingdome have become tributary to the Pope, why may he

nec

Exam. Cathol. p. 34.

not dispose of it ? Why may he not depose the Prince being refractory and disobedient ? Thus a bold stranger altogether ignorant of our histories and of our lawes shoots his bolt at all adventures upon the credit of a shamefull fiction : but from whom did they learn this lesson ? even from the Pope himself. Bishop *Grossthead* had been a little bold with the Pope for his extorting courses, calling him *Antichrist*, and murderer of Souls, and comparing the Court of Rome to *Behemoth*, that putteth his mouth to the river Jordan thinking to drink it up, and stiling the oppression of the English Nation an *Egyptian Bondage*. He had good reason, *Math. Pa-
ris. an. 1244.* for the Court of Rome in those daies was grown past shame, (*rubore deposito*) and consequently past grace. The Pope irritated with this usage breaks out into this passionate expression, *Nonne Rex Anglorum noster est Vasallus, et ut plus dicam mancipium ? Is not the King of England our Vassal, or rather our Slave ?* Or rather are these fit guests to be entertained in a Kingdom that make no more of our Sovereign Princes then their Vassals and Slaves, who can neither be admitted to the Crown without their leave, nor hold it but by their grace ?

This relation of Cardinal *Allen* brings to my remembrance the question of *Neoptolemus* to *Ulysses* when he should have taught him the Art of lying, how it was possible for one to tell a lie without blushing ? The Arch-Priest is much more ingenuous, affirming

affirming that the assertions touching both the said Kings for matter of fact were untrue. That Henry the second never made any such accord with Alexander the third, for ought that he could ever read in any Chronicle of Credit. Then the oath which Henry the second did take for himself, (not for his heires,) was this, that he would not depart from him or his successors, so long as they should intreat him as a Catholick King. That the fact of King John is of more probability, but of as little truth, which he confirms by the testimony of Sir Thomas Moore a Lord Chancellour of England, a man of Extraordinary learning, of great parts, of so good affections to the Roman See, that he is supposed to have died for the Popes Supremacy, and is commended by Cardinall Bellarmine to Mr. Blackwell as a Martyr, and a guide of many others to Martyrdom, *cum ingenti Anglica nationis gloria*, certainly one who had as much means to know the truth, both by view of records, and otherwise, as any man living: Thus writeth he, If he, (the author of the beggars supplication) say as indeed some Writers say, that King John made England and Ireland tributary to the Pope and the See Apostolique, by the grant of a thousand Markes, we dare surely say again, that it is untrue, and that all Rome neither can shew such a grant, nor ever could; And if they could, it were nothing worth. For never could any king of England give away the Realm to
the

Ro. Houed.
Annal. fol.
303.

Ep. Card.
Bell. ad G.
Blackw.
Archpr.

Supplic. of
souls, p.
296.

the Pope, or make the Land tributary, though he would.

As to that of Henry the second, without doubt the Archpriest had all the reason in the world for him. Cardinal Allen did not write by inspiration, and could expect no more credit then he brought authority. There is a vast difference between these two, that no man shall be accounted King of England untill he be confirmed by the Pope: And this other, that the King in his own person would not desert the Pope, so long as he intreated him like a Catholick King. The former is most dishonourable to the Nation, and Diametrally opposite to the fundamental Lawes of the Land. The later we might take our selves without offence to God or our own consciences. But to make our Kings their vassals and their slaves, to impoverish their Realm, and to commit all those exorbitant misdemeanours against them, which we have related in part, and shall yet describe more fully, was neither to intreat them like Catholick Kings, nor like Christian Kings, nor yet like political Kings.

And for his Saint Thomas of Canterbury we do not believe that the Popes Canonisation, or to have his name inserted into the Calender in red letters, makes a Saint. We do abhorminate that murther as Lawlesse and Barbarous, to sprinkle not onely the pavements of the Church, but the very altar

Howeden
Annal. p.
292.

Idem.

Plat. in
pasch. 2.

taſt with the blood of a Prelate, And we condemn all thoſe who had an hand in it: But we do not believe that the cauſe of his ſuffering was ſufficient to make him a Martyr, namely to help forraigners to pull the faireſt flowers from his Princes Diadem by violence, and to perjure himſelf, and violate his oath given for the obſervation of the Articles of *Clarendon*. All his own Suffragan Biſhops were againſt him in the cauſe, and juſtified the Kings proceedings as appeareth by two of their letters, one to himſelf, the other to Pope *Alexander* the third. The Barons of the Kingdom reputed him as a Traitor *quo progredieris Proditor? Expecta et audi judicium tuum. Whither goeſt thou Traitor? ſtay and bear thy judgment.* This is certain, The firſt time that ever any Pope did challenge the right of inveſtitures in England was in the dayes of *Henry* the firſt, and *Paschal* the ſecond was the firſt Pope that ever exacted an oath from any forraign Biſhop, above Eleven hundred years after Chriſt. Before that time they evermore ſwore fealty to their Prince, *de Homagiis, de Feudis, de ſacramentis Episcoporum, Laicis antea exhibitis, There was great conſultation about the homage, and Fealty, and oaths of Biſhops in former ages ſworn to Lay-men.* Theſe new articles of faith are too young to make Martyrs.

Concerning

Concerning the second instance of King *John*, though I attribute much to the authority of Sir *Thomas More* in that case, who would never have been so confident unlesse he had supposed that he had searched the matter to the bottom, yet his zeal to the Papacy and his unwillingnesse to see such an unworthy act proceed from that See might perhaps mislead him: for I confesse sundry authours do relate the case otherwise. That there was a Prophecie or Prediction made by one *Peter an Hermite*, that the next day to Ascension Sunday there should be no King in England, That Pope *Innocent* the third being angry with King *John* excommunicated him, interdicted the Kingdom, deprived him of his Crown, absolved his subjects from their allegiance, animated his Barons and Bishops against him, gave away his Realm to *Philip* King of *France*; sent *Pandolphus* as his Legate into England to see all this executed, The King of *France* provides an Army accordingly. But the crafty Pope underhand gives his Legate secret instructions to speak privatly with King *John*, And if he could make a better bargain for him, and draw him to submit to the sentence of the Pope, he should act nothing against him, but in his favour. They do meete, King *John* submits, The Pope orders him to resign his Crown and Kingdomes to the See of Rome,

So

*Matth.
Paris. an.
1212.*

Math. Paris.
an. 1253.

so (they say) he did, and received them the next day of the Popes grace as a feudatary at the yearly rent of a thousand Marks, for the Kingdoms of *England* and *Ireland*, And did homage and swear fealty to Pope Innocent.

Hoops. ad.
secul. 14. c.
3.
Citat. Sanct.
Clara.

But whereas the Cardinal adds upon his own head that this was done at the special request and procurement of the Lords and Commons, it is an Egregious forgery and well deserves a whetstone, for all the three Orders of the kingdom, Bishops, Barons, and Commons, did protest against it in Parliament notwithstanding any private contract that might be made by King *John*; And that they would defend themselves by arms from the temporal Jurisdiction of the Pope. But the other answer of *Sr. Thomas More* is most certain and beyond all exception, that if either *Henry* the second, or King *John* had done any such thing, it was not worth a rush, nor signified any thing, but the greedinesse and prophanenesse of these pretended vicars of Christ, who prostituted and abused their Office, and the power of the Keies, to serve their base and avaritious ends, and lets the world see how well they deserved to be thrust out of doores. What? That *no man might be crowned, or accounted King of England, untill he were confirmed by the Pope*? By the Law of England, *Rex non moritur* the King never dies. And doth all acts of Sovereignty before

before his Coronation as well as after.

They robbed the Nobility of their patronages, Those Churches which their Ancestours had founded and indowed, being by provisions from Rome frequently conferred upon strangers, which could not speak one word of English nor did ever tread upon English ground; Infomuch, that at one time there were so many Italians beneficed in England, that they received more money yearly out of it, then all the revenues of the Crown, to the high disservice of Almighty God, the great scandal of Religion, the decay of hospitality, and the utter ruine of the English Church.

Math.
Parisin H:
3. An.
1245.

But the least share of their oppressions did not light upon the Bishops, who by their dispensations, and reservations of cases, and of pensions, and exemptions, and inhibitions, and visitations, and tenths, and first fruits, and provisions, and subsidiary helps, were impoverished and disabled to do the duties of their function: They take their aime much amisse who look upon Episcopacy as a branch of Popery, or a device of the Bishop of Rome to advance his own greatnesse. Whereas the contrary is most certain, that the Pope is the greatest Impugner of Bishops, and the Papacy it self sprung from the unjust usurpation of their just rights. Let it be once admitted, that Bishops are by divine right, and instantly all

all his dispensations, and reservations, and exemptions, and Indulgences, and his Conclave of Cardinals, and the whole Court of *Rome* shrink to nothing. This was clearly perceived by both parties in the ventilation of that famous question in the Council of *Trent*, concerning the divine right of Bishops, proposed by the *Almaines*, *Polonians* and *Hungarians*, seconded bravely by the *Spaniards*, prosecuted home by the *French*, owned by the Archbishop of *Paris* as the doctrine of *Sorbone*, and onely crossed by the *Italian* faction, to preserve the glorie of their own country, and the advantages which that nation doth reap from the Papacy. By whose frowardnesse and prevarication (in all probability) the reunion of the Church, and the universal peace of this part of Christendom in necessary Truths, was hindred at that time.

*Bern. l. 3.
de conside-
ratione.*

I presume the case was not so very ill in forrain parts, but yet ill enough. Or otherwise *St. Bernard* would not have made so bold with *Engenius*, adding that if the daies were not evil, he would speak many more things, *Why do you thrust your sickle into other mens harvest, &c.* He complains of the confusion of appeals, how they were admitted contrary to law and right, besides custom and order, without any distinction of place, or manner, or time, or cause, or person. He complains further of the exemption

emption of Abbats from their Bishops, Bishops from their Archbishops, Archbishops from their Primates. And this he stiles *Murmur & communem querimoniam Ecclesiarum*, The murmuring and common complaint of the Churches.

Lastly, they cheated and impoverished the people by their dispensations and commutations, and pardons, and indulgences, and expeditions to recover the holy Land, and Jubilees, and pilgrimages, and *agnus Dei*s, and a thousand pecuniary Artifices. So as no sort of men escaped their fingers.

The third ground of their separation from Rome was, because they found by experience that such forreign Jurisdiction so exercised was destructive to the right ends of Ecclesiastical discipline, which is in part to preserve publick peace and tranquillity, to retein subjects in due obedience, and to oblige people to do their duties more conscientiously. Farre be it from any Christian to imagine that policy is the Spring-head of Religion; There never was yet any one Nation so unpolitick and brutishly barbarous, but they had some Religion or other; they who obeyed no governors but their parents, paid religious duties to some God; they who wanted Clothes to their backs, wanted not their sacred Ceremonies; they who were without municipal Lawes, were subject of themselves to the law of conscience, But where

The third ground:

L

Religion

Religion hath lost its influence and vigour by contempt, and much more where the influence of Religion is malignant; where Policy and Religion do not support one another, but interfere one with another, Societies are like Castles builded in the air, without any firm foundation, and cannot long endure, like as that single Meteor *Caster* appearing without *Pollux* portends an unfortunate voyage. *Let us flatter our selves as much as we please* (said *Tully* to the *Romans*) *we have not overcome the Spaniards in Number, nor the Gallies in Force, nor the Carthaginians in Craft, nor the Grecians in Art, nor the Italians in Understanding, but the advantage which we have gained over them was by Religious piety.* So great an influence hath Religion upon the body Politique.

Wherefore our Ancestors having seen by long and costly experience, that the tyrannical Jurisdiction of the Roman Court, instead of peace and tranquillity did produce disunion in the Realm, factions and animosities between the Crown and the Miter, intestine discord between the King and his Barons, bad intelligence with Neighbour-Princes, and forreign Wars. Having seen a stranger solicited by the Pope, either to destroy them by War, or to subdue them to the obedience of the Roman Court. Having seen their native Country given away as a prey to a forreign Prince *Philip of France;*

France ; And the Pope well near seated in the Royal Chair of Estate, for him and his successours for ever, to the endlesse dishonour of the English name and Nation, by the cheating tricks of *Pandolphus* his Legate, having seen English Rebels canonized at Rome, and made Saints, it was no marvel if they thought it high time to free themselves from such a chargeable and dangerous guest.

Fourthly, besides the former bad influence of forreign Jurisdiction upon the body Politique, they found sundry other inconveniences that incited them to separate from *Rome* : They must have been daily subject to have had new Creeds and new Articles of faith obtruded upon them : They must have been daily exposed to manifold and manifest peril of Idolatry, and sinning against God and their own consciences : They must have forsaken the Communion of three parts of Christendom, which are not Roman, to joyn with the fourth : They must have approved the Popes apparent rebellion against the supream Ecclesiastical power, that is, a general Council : And their Bishops must have sworn to maintain him in these his rebellious usurpations, whether they should prefer their native and Christian liberty, or give them up for nothing ; whether they should preserve their Communion with the Catholique Church, or with the Court of Rome ;

The fourth ground.

whether they should desert the Pope, or involve themselves in Rebellion, Schisme, Sacrilege, and Perjury, the choice was soon made.

Lastly, they see that the Popes had disclaimed all that just power which they had by humane right, and challenged to themselves a spiritual Monarchy or Sovereignty by divine right, whereby their sufferings which in themselves were unsupportable, were made also irremediable, from thence. Wherefore they sought out a fit expedient for themselves; being neither ignorant of their old *Britannick* exemption and liberties of the English Church, nor yet of the weaknesse of the Roman pretences. Our progenitors knew well enough that their authority extended not to take away any the least particle of divine right, if there had been any such, Nor could they justly be accused of violating that humane right, which had been quitted long before; nor be blamed rightly for denying obedience to him from whose Jurisdiction they were exempted by the Canon of an Oecumenical Council, and who had himself implicitly renounced that Ecclesiastical right which he held from the Church.

Perhaps some may conceive a defect in the manner of proceeding of the King and Church of England, that they did not first make a Remonstrance of their grievances, and seek redresse of the Pope himself; So
the

the Council of *Towers* thought it fit. *Visum est tamen Concilio, ante omnia mittendos Legatos ad D. Papam Julium, &c.* It seemeth good to the Council, that in the first place messengers be sent from the French Church to the Pope, who may admonish him with brotherly love and according to the Evangelical form of correction to desist from his attempts, and to embrace peace and concord with the Princes; But if he will not hear the messengers, let him be demanded to convocate a free Council, according to the decrees of the holy Council of Basile. And this being done, and his answer received, further provision shall be made according to right.

Conc. *Turov.*
an. 1510.
in fine.

To this I answer first, That it had been reasonable and just indeed, that we had made our first addresse to the Pope, if we acknowledged the Roman Bishop to be our lawful Patriarch: But the same respect is not due to an usurper. Secondly, we have seen by frequent experience, how vain and fruitlesse such addresses have proved from time to time. According to the former advise of the Council of *Towers*, the King of France sent Ambassadors to Rome, but the Pope refused to hear them, or to convocate any Council, and before his death Anathematized *Maximilian* King of the Romans; the Kings of France and of Navarre, and divers other Princes, Cardinals, and Bishops, deprived the Kings and Princes of their respective Realms and Principalities, the

Extrait
des anales
d' Aquitaine.

Bishops of their dignities and benefices, and gave their Kingdoms and Principalities to the first that could take them; from which sentence they appealed to a future Council.

The most ancient arbitrary imposition of the Popes upon the British Churches was the Pall, an honourable and at first innocent ensign of an Archbishop, otherwise of no great moment; first introduced in the reigns of the *Saxon* Kings after the six hundredth year of Christ; But in process of time it became vendible, and a great summe was exacted for it, whereof *Cannizus* long since complained at *Rome*, and had remedy promised, as he well deserved of that See. But how well it was observed, the experience of after-ages doth manifest, when both the price was augmented, and withall an oath of allegiance to the Pope imposed, *Electo in Archiepiscopum sedes Apostolica pallium non tradet, nisi prius præstet fidelitatis et obedientie juramentum.* The See Apostolique will not deliver the Pall to an elect Archbishop, unlesse he first swear fidelity and obedience to the Pope: what was become of their old oath of allegiance to their King?

Baron 10.
11.

Greg. 9. de
Elect. et
Elect. pote-
state.

In the year 1245. the King, the Lords spiritual and temporal, and the whole Common-Wealth of *England* joyned together unanimously in a complaint, and exhibited their grievances to *Rome*, that the Pope extorted

extorted more then his Peter-pence out of the Kingdom contrary to law, that the Patrons of Churches were defrauded of their rights, strangers preferred, souls endangered, their bullion exported, the Kingdom impoverished, provisions made, pensions exacted. That the English were drawn out of the Realm by the authority of the Pope, contrary to the customes of the Kingdom. They complained of the coming among them of the Popes infamous messenger, (non obstante) by which oaths, customes, writings, grants, statutes, rights, priviledges, were not only weakened, but exinanited, They complained of collections without the Kings leave, that hospitality was not kept, the poor not sustained, the Word not preached, Churches not adorned, the cure of souls neglected, divine offices not performed, and Churches ruined by the abuses of the Papal Court. I cannot omit one clause in the letter of the Lords to the Pope, *Nisi de gravaminibus domino Regi et regno illatis Rex et regnum citius liberentur, oportebit nos ponere murum pro domo Domini, et libertate regni. Quod quidem ob Apostolica sedis reverentiam, hucusque facere distulimus.* Unless the King and Kingdom be quickly freed from these grievances, we must make a wall (of defence or partition,) for the house of the Lord, and the liberty of the Kingdom, which we have hitherto forbore to do out of our reverend respect of the Apostolique See. They seem to allude to that wall which Severus made to save the Kingdom from the incursions of the Scots

Math. Paris. An. 1245.

Idem. An. 1246.

and Picts. Surely that was not more necessary then, than that wall of partition which *Henry* the eighth made afterwards, to save the Realm from the affronts and extortions and injuries of the *Roman Court*.

Idem an.
1245.

Neither did they make their addresses to the Pope alone, but to the Council of *Lyons*, by the Proctors of the whole Nobility and Commonalty of England, for redresse of the violent oppressions, intolerable grievances, and impudent exactions which were practised in England, by meanes of that hateful clause, non obstante, too often inserted in the Popes letters. They represented that there were so many Italians for the most part ignorant and unlearned, that understood not one English word, nor did ever tread upon English ground, beneficed among them, that their yearly revenue exceeded the revenue of the Crown. Neither did they complain onely, but threaten and swear that they would not permit such abuses for the future. But what ease did the poore English find by complaining to the Pope either in Council or out of Council? *Martine* the Popes Commissioner (for he could not send a Legate without the Kings consent) extorts, excommunicates, interdicts; the Pope himself is angry, because like sturdy children they durst cry and whimper when they were beaten, and perswades the King of *France* to invade England, and either to depose the King or subject him to the Court
of

Ibidem.

Id. an. 1246;

of Rome, which lost the Pope the heart of the English. The King told them that *their King began to kick against him, and play the Frederick*. And they threatened, that if he persisted they should be forced to do that which would make his heart ake. After this Edward the third made his addressees likewise to Rome for remedy of grievances, in the year 1343. How did he speed? No better then his Great grandfather Henry the third. *Walsingh. p. 161.* The Pope was offended, and termed his modest expostulation rebellion. But that wise and magnanimous Prince was not daunted with words; to requite their invectives, he made the statutes of Provisoes and *pramunire*, directly against the incroachments and usurpations of the Court of Rome. Whereby he so abated their power in England for sundry ages following, that a Dean and Chapter were able to deal with them, not onely to hold them at the swords point, but to foile them.

Lastly, King Henry the eighth himself had been long a suiter unto Clement the seventh, to have his Predecessor Julius the seconds dispensation for his marriage with his Brothers wife, to be declared void. But though the Popes own Doctors & Universities had declared the dispensation to be unlawfull and invalide, and although the Pope himself had once given forth a Bull privately to his Legate Cardinall *Campeius* for the revocation thereof, wherein he declared the marriage

*See theope.
of the Bull
in Antisan-
derus.*

marriage to be null, and that the King could not continue in it without sinne; yet the King found so little respect either to the condition of his person, or to the justice of his cause, that after long delays, to try if he could be allured to the Popes will, in the conclusion he received a flat deniall. This was no great incouragement to him to make any more addressees to *Rome*. So what was threatened and effected in part in the dayes of *Henry* the third, and *Edward* the third, was perfected in the reign of *Henry* the eighth, when the Jurisdiction of the Court of Rome in England was abolished, which makes the great distance between them and us. Different opinions are often devised or defended on purpose to maintain faction; if animosities were extinguished, and the mindes of Christians free from prejudice, other controversies might quickly be reconciled, and reduced to primitive general truths. The power *Paramount* of the Court of Rome hath ever been, and still is that *insana laurus*, which causeth brawling and contention, not onely between us and them, but between them and the Eastern Churches, yea, even between them and those of their own communion, as we shall see in the next Chapter. Yea, the originall source & true cause of all the Separations, & reformations made in the Church in these last ages; As all the Estates of *Castile* did not forbear to tell the Pope himself

*Memorial de
sa. Ma-
gest. ad Ca-
rol.
an. 1633.
Lusit geri-
tus, p. 43.*

himself not long since in a printed memori-
all, and the Kingdom of *Portugall* likewise.
To conclude this point ; These former
Kings who reigned in England about the
years 1200. and 1300. might properly be
called the first Reformers ; and their Lawes
of Proviso's, and *Pramunire's*, or more pro-
perly *premoneres* the beginning of the Re-
formation. They laid the Foundation,
and *Henry* the Eighth builded upon
it.

Now having seen the authority of our
Reformers, and the justice of their grounds :
in the last place let us observe their due mo-
deration in the manner of their separation.
First they did not; we do not deny the being
of any Church whatsoever, Roman or
other, nor possibility of salvation in them,
especially such as hold firmly the Apostles
Creed, and the faith of the four first Gene-
rall Councils ; Though their salvation be
rendred much more difficult by humane in-
ventions, and obstructions. And by this
very sign did Saint *Cyprian* purge himself
and the *African* Bishops from Schisme, *Ne-*
minem judicantes, aut à jure communionis ali-
quem, si diversum senserit, amoventes. Judg-
ing no man, removing no man from our com-
munion, for difference in opinion. We do in-
deed require subscription to our Articles,
but it is onely from them who are our own,
not from strangers ; nor yet of all our own,
but onely of those who seek to be initiated
into

The mode-
ration of
the English
Reformers.

*Conc. Carth.
de baptiz.
bares.*

into holy orders, or are to be admitted to some Ecclesiastical preferment. So it is in every mans election whether he will put himself upon a necessity of subscription or not ; neither are our Articles penned with *Anathema's* or curses against all those, even of our own who do not receive them ; but used only as an help or rule of unity among our selves. *Si quis diversum dixerit*, If any of our own shall speak, or preach, or write against them, we question him. But *si quis diversum senserit*, if any man shall onely think otherwise in his private opinion, and trouble not the peace of the Church, we question him not. We presume not to censure others to be out of the pale of the Church, but leave them to stand or fall to their own Master. We damne none for dissenting from us, we do not separate our selves from other Churches, unlesse they chase us away with their censures, but onely from their errours : For clear manifestation whereof, observe the thirtieth Canon of our Church, *It was so far from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, Germany, or any such like Churches in all things which they held and practised, &c. that it only departed from them in those particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches, which were their first founders.* So moderate are we towards all Christians, whether

Can. 30.

whether forreigners or domesticks, whether whole Churches or single persons.

But because the Roman Catholicks do lay hold upon this charitable assertion of ours, as tending mainly to their advantage: Behold (say they) Protestants do acknowledge a possibility of salvation in the Roman Church ; But Roman Catholicks deny all possibility of Salvation in the Protestant Churches ; Therefore the Religion of Roman Catholiques is much safer then that of Protestants. Hence proceeded their Treatise of *charity mistaken*, and sundry other discourses of that nature, wherein there are mistakes enough, but little charity. For answer, If this Objection were true, I should love my Religion never the worse. Where I find little charity, I look for as little faith : But it is not true, for when the businesse is searched to the bottom, they acknowledge the same possibility of salvation to us, which we do to them, that is, to such of either Church respectively, as do not erre wilfully, but use their best endeavours to find out the truth. Take two testimonies of the Bishop

of *Chalcedon*, If they (that is, the Protestants) grant not salvation to such Papists as they count vincibly ignorant of Roman errors, but onely to such as are invincibly ignorant of them, they have no more charity then we ; for we grant Church, saving faith, and salvation to such Protestants as are invincibly ignorant of their errors. And in his book of the distinction

*Protest. plain
confession,
Ch. 13.
p. 151, 152.*

of

Ch. 2. p. 62. of fundamentals, and not fundamentals, he hath these words, *If Protestants allow not saving faith, Church, and salvation to such as sinfully erre in not fundamentals sufficiently proposed, they shew no more charity to erring Christians then Catholicks do; for we allow all to have saving faith, to be in the Church, in way of salvation, (for so much as belongeth to faith,) who hold the fundamental points, and invincibly erre in not fundamentals, because neither are these sufficiently proposed to them, nor they in fault that they are not so proposed.*

Secondly, as our separation is from their errors, not from their Churches: so we do it with as much inward charity and moderation of our affections, as we can possibly; willingly indeed in respect of their errors, and especially their tyrannical exactions and usurpations, but unwillingly and with reluctance in respect of their persons, and much more in respect of our common Saviour. As if we were to depart from our fathers, or our brothers house, or rather from some contagious sicknesse wherewith it was infected. Not forgetting to pray God daily to restore them to their former purity, that they and we may once again enjoy the comfort and contentment of one anothers Christian Society. We pray for their conversion publickly in our Letany, in general: And expressly and solemnly upon Good Friday, though we know that they do as solemnly curse us the day before. If
this

this be to be Schismaticks, it were no ill wish for Christendome that there were many more such Schismaticks.

Thirdly, we do not arrogate to our selves either a new Church, or a new Religion, or new holy orders: for then we must produce new miracles, new revelations, and new cloven tongues for our justification. Our Religion is the same it was, our Church the same it was, our holy orders the same they were in substance, differing onely from what they were formerly, as a garden weeded, from a garden unweeded; or a body purged, from it self before it was purged. And therefore as we presume not to make new Articles of faith, much lesse to obtrude such innovations upon others; so we are not willing to receive them from others, or to mingle Scholastical opinions with fundamental truths. Which hath given occasion to some to call our Religion a negative religion; Not considering that our positive articles are those general truths about which there is no controversie. Our negation is onely of humane controverted additions.

Lastly, we are ready in the preparation of our mindes to believe and practise, whatsoever the Catholick Church (even of this present age) doth universally and unanimously believe and practise. *Quod apud multos annis interitur, non est erratum, sed traditum.* And though it be neither lawful nor possible

Terrib.

possible for us to hold actual communion with all sorts of Christians in all things, wherein they vary both from the truth, and one from another, yet even in those things we hold a communion with them in our desires, longing for their conversion and reunion with us in truth.

CHAP. VII.

That all Princes and Republiques of the Roman Communion, do in effect the same thing when they have occasion, or at least do plead for it.

SO we are come to our fifth Conclusion, That whatsoever the King and Church of England did in the separation of themselves from the Court of Rome, it is no more then all Sovereign Princes and Churches (none of whatsoever communion excepted) do practise or pretend as often as they have occasion. And first, for all Protestant Kings, Princes, and Republicks, it admits no deniall or dispute.

Secondly, for the *Grecian* and all other Eastern Churches, it can be no more doubted of then of the Protestants, since they never acknowledged any obedience to be due from them to the Bishop of Rome, but
only

onely an honourable respect, as to the prime Patriarch and beginning of unity. Whose farewell or separation is said to have been as smart as ours, and upon the same grounds in these words, *We acknowledge thy power, We cannot satisfie thy covetousnesse, live by your selves.*

*Genf. part. 4.
Ser. de pace
et unit.
Grac.*

But my aim extends higher to verifie this of the Roman Catholick Princes and Republicks themselves, as the Emperour, the most Christian and Catholick Kings, the Republick of *Venice* and others. To begin with the Emperours: I do not mean those ancient Christian Primitive Emperours who lived and flourished before the daies of *Gregory* the Great. Such a Court of Rome as we made our secession from, was not then in being, nor the Colledge of Parish Priests at Rome turned then into a Conclave of Cardinals, as Ecclesiastical Princes of the Oecumenical Church. So long there was no need of any separation from them, or protestation against them. But I intend the later Emperours since *Gregorie's* time, after the Popes sought to usurp an universal Sovereignty over the Catholick Church, and more particularly the Occidental, that is to say, the *French* and *German* Emperours.

Yet the Reader may be pleased to take notice, that the case of our Kings is much different from theirs in two respects.

First, they believed the Roman Bishop to be their lawful Patriarch, (whether justly

*The case of
England
not the
same with
Germany.*

M

or

Cap. 98.

or not, is not the subject of this present discourse,) But we do utterly deny his Patriarchal authority over us; And to demonstrate our exemption, do produce for matter of right that famous Canon of the General Council of *Ephesus*, made in the case of the *Cyprian* Bishops; and for matter of fact, the unanimous Votes of two *British* Synods, and the concurrent testimonies of all our Historiographers. Some have been formerly cited: We might adde to them the ancient *British* history, called by the Author thereof *Brutus*, wherein he relates this answer of the *British* to *Augustine*, *Se Caerleonensi Archiepiscopo obedire voluisse, Augustino autem Romano Legato omnino noluisse, nec Anglis inimicis & paulò antè Paganis (à quibus suis sedibus pulsèrant) subesse se, qui semper Christiani fuerunt voluisse*: That they would obey the Archbishop of Caerleon, (that was their British Primate, or Patriarch,) but they would not obey *Austine* the Bishop of *Rome's* Legate: Neither would the *Britanes* who had evermore been Christians from the beginning, be under the *English*, who were their enemies, and but newly converted from Paganisme, by whom they had been driven out of their ancient habitations. The same history is related by sundry other very ancient Authours.

Grains in
scala Coro-
nica. Goe-
linus in
hist. majore,
&c.

A second difference between our English Kings and the later *German* Emperours is this, that our Kings by the fundamental constitutions of the Kingdome are hereditary Kings,

Kings, and never die. So there is an uninterrupted succession without any vacancy. But the Emperours are elective, and consequently not invested in the actual possession of their Sovereignty without some publick solemnities. Whereof some are essential, as the votes of the Electours; some others ceremonial, as the last Coronation of the Emperour by the Bishop of Rome, which was really, and is yet titularly his Imperial City. But the Popes who had learned to make their own advantage of every thing, sacred or civil, took occasion from hence to make the world believe that the Imperial Crown was their gift, and the Emperours their Liegemen. So *Adrian* the fourth doubted not to write to *Frederick Barbarossa* the Emperour, *Insigne corona beneficium tibi contulimus*; which was so offensively taken, that (as the German Bishops in their letter to the same Pope do affirm) the whole Empire was moved at it, the eares of his Imperial Majesty could not bear it with patience, nor the Princes endure it, nor they themselves either durst or could approve it. Whereupon the Pope was forced to expound himself, that by *beneficium*, he meant nothing but *bonum factum*, a good deed; and by *contulimus*, nothing but *imposuimus*, that he had put the Crown upon him. So the Emperour complains in his letter to the Bishops, *Apictura capis, à pictura ad Scripturam processit*; *Scriptura in auctoritatem*
M 2 *prodire*

Goldast.
 Constit. Imper.
 Impres-
 se Franco-
 furti, an.
 1607. p. r.
 pag. 62.

Ibidem.

prodire conatur, &c. It began with painting, from painting it proceeded to writing, And at last they sought to justify it by authority. *We will not* (said he) *suffer it, we will not endure it, We will rather lay down our Imperial Crown, then suffer the Empire it self to be deposed, with our consent. Let the pictures be defaced, let the Writings be retracted, that perpetual monuments of enmity between the Scepter and the Miter may continue.*

Dat. Avinionæ, an.
1323. apud
Gold. p. 1.
pag. 98.

Thus Pope Adrian failed of his design ; But his successour John the 22. renewed the Papal claim against Ludovicus the fourth, in higher termes, as appeareth by his own Bull, wherein he affirms, that after the translation of the Roman Empire from the Grecians to the Germans by his predecessours the Popes, *summus ille honor beneficium Pontificis Maximi esse solet* : the Empire used to be the Popes gift. Adding, that the elections of the German Princes were invalid, unlesse the Pope (*universi orbis Christiani Pater atque Princeps, Dei Optimi Maximi Legatus suo nomine faveat & aspiret,*) should approve it. And finally, commanding the Emperour to quit his Crown and Imperial dignity, and not to reassume them but by his command, *nisi jussu & mandato nostro.* But the Emperour appealed, the Electours and other Princes protested against the Popes pretended power ; And the Emperour and all the States of the Empire made a solemn constitution against it.

In comitiis
Reinensibus
et Franco-
furtensibus.

This

This was the second repulse, yet the Popes were not so easily shaken off; It fortuned about the year 1400, that the Electoral Colledge deposed *Wenceslaus* from the Empire, and chose *Rupert* Prince Palatine in his place, communicating the whole businesse, whilest it was in agitation, to the Pope, to have his spiritual advice, and the countenance of the Apostolique See; but yet reserving the power entirely to themselves. Howsoever Pope *Boniface* the ninth layes hold of this opportunity, and declares by his Bull, that the Electours did it by his authority, *authoritate nostrâ suffulti*. And confirms the said deprivation as good and lawful.

Goldast.

part. 1.

pag. 142.

This incertainty of succession, and this Papal pretension made sundry Emperours more fearful to grapple with the Popes, or to right themselves from their grievous exactions and usurpations. In the year 1455. after the death of *Nicholas* the fifth, the Germans bewailed their condition to *Frederick* the third, and sought to perswade him that he would no longer obey the Roman Bishops, unlesse they would at least give way to a pragmatical sanction for the maintenance of the liberties of the German Nation; like that of the French Kings for the priviledges of the Gallicane Church. They shewed thar their condition was much worse then the French and Italians, whose servants (especially the Italians) without a change they were deservedly

Plat. in
Pio 2^o,

Carol. Molinaus in
Commenta-
riis.

Plat. ibidem.
Molin.
ibidem.

Plat. ibidem.

called. *Rogabant, urgebant Proceres, populiq; Germania gravissimis tum rationibus tum exemplis, tum utilitatem, tum necessitatem Imperii, &c.* The Princes and people of Germany intreated and pressed both the advantage and necessity of the Empire. They implored his fidelity, they prayed him for his Oathes sake, and to prevent the infamy and dishonour of their Nation, that they alone might not want the fruit of their National decrees, that he had as much power, and was as much obliged thereunto as other Kings, &c. *Nec certe procul absuit, &c.* It wanted not much, saith Platina. Molinaus goes further, *His rationibus victus & permotus Imperator, &c.* The Emperour being overcome and moved with these reasons, was about to make as full a Sanction for his Subjects, as the King of France had done for his. What hindered him? Onely the advice of *Aeneas Sylvius*, who perswaded him rather to comply with the Pope, then with his people, upon this ground, that Princes disagreeing might be reconciled, but between a Prince and his people, the enmity was immortal. *Motus hac ratione Imperator, spretâ populorum postulatione, Aeneam Oratorem deligit, qui ad Calistum mitteretur.* The Emperour being moved with this reason, despising the request of his people, sends the same *Aeneas* as his Ambassadour to *Calistus*. The truth is this, The Emperour feared the Pope, and durst not trust his own Subjects. Whence it proceeded, that seven years before his death he not onely procured his son
Maximi-

Maximilian to be crowned King of the Romans, but also took him to be his companion in the Empire, *ne post obitum suum (ut factum fuisset) transferretur imperium in aliam familiam: lest the Empire after his death (as without doubt it had come to passe) should have been transferred into another family.* Yet notwithstanding these barres or remora's, the uncertainty of succession, and Papal pretensions, the Emperours have done as much in relation to the Court of Rome, as the Kings of England.

First, *Henry* the eighth within his own Dominions did exercise a power of convoking Ecclesiasticall Synods, confirming Synods, reforming the Church by Synods, and suppressing upstart innovations by ancient Canons. The Emperours have done the same; *Charles* the Great called the Council of *Frankford*, consisting of 300. Bishops: Witnesse his own letter to *Eli- pandus*. *Iussimus Sanctorum Patrum Synodale ex omnibus undiq; nostra ditionis Ecclesiis congregari Concilium. We have commanded a Synodical Council to be congregated out of all the Churches within Our Dominions.* Neither did he onely convocate it, but confirm it also. *Ecce ego vestris petitionibus satisfaciens, congregationi Sacerdotum auditor & arbiter adfeci. Discernimus & Deo donante decrevimus quid esset de hac inquisitione firmiter tenendum. Behold, I satisfying your requests (that is, of the Elipandians and Felicians who made*

Emperours convoked and confirmed Synods, and by them reformed the Church. *Apud Goldastum. part. 1. pag. 3.*

Christ but an adoptive son of God,) did sit in the Council both as an hearer, and as a Judge. We determine and by the gift of God have decreed what is to be held in this inquiry. And it is very observable how he disposed the resolutions of this Council into four Books; The first book contained the sense of the Roman Bishop and his Suffragans; The second of the Archbishop of Millain and the Patriarch of Aquileia, with the rest of the Italian Bishops; The third, the votes of the German, French, and British Bishops; The last, his own consent. The Romans had no more part therein then others, to set down their own faith, and to represent what they had received from the Apostles.

Ibidem.

*Lib. 5. ca.³
pitul.*

Neither did they onely convocate Councils, and confirm them, but in them and by them reformed innovations, and restored ancient truths and Orders. So did the same Emperour, *By the counsel of our Bishops and Nobles we have ordained Bishops throughout the Cities, and do decree to assemble a Synod every year, that in our presence the Canonical decrees and lawes of the Church may be restored.* Ludovicus Pius convocated a Council at Aquisgrane to reform the abuses of the Clergy, and confirmed the same, and commanded the constitutions thereof to be put in execution, as appeareth by his own Epistle to Arno Archbishop of Salzburge. Orho the first called a Council at Rome, and caused

*Goldast. p. 1.
pag. 12.*

John

John the 12th. to be deposed, and Leo the eighth to be chosen in his place. The sentence of the Council was, *Petimus magnitudinem Imperii vestri, &c.* We beseech your Imperial Majesty, that such a Monster may be thrust out of the Roman Church. And the Emperour confirmed it with a placet, we are pleased. Idem. p. 1. pag. 34.

Henry the fourth called a German Synod at Wormes, And another of Germans and Italians at Brixia, wherein sentence of deprivation was given against Gregorie the seventh, and confirmed by the Emperour. *Quorum sententia quod justa & probabilis coram Deo hominibusq; videbatur, &c. ego quoq; assentiens omne tibi Papatus jus quod habere visus es abrenuncio, &c.* Ego Henricus Rex Dei gratia cum omnibus Episcopis nostris tibi dicimus, Descende, descende: To whose sentence because it seemed just and reasonable before God and men, I also assenting, do declare thee to have no right in the Papacy, as thou seemest to have. I Henry by the Grace of God King of the Romans, with all our Bishops do say unto thee, Descend from thy Seat, descend. Id. p. 45: & 50.

So Frederick the first called a Council at Pavia, to settle the right succession of the Papacy, wherein Roland the Cardinal was rejected, and Victor declared lawful Bishop of Rome. And all this was done with due submission to the Emperour. *Christianissimus Imperator, &c.* The most Christian Emperour Geldast. pavi. I. pag. 70.

perour in the last place after all the Bishops and Clergy, by the advice and upon the petition of the Council, received and approved the election of Victor.

I will conclude this first part of the parallel with the words of the same Emperour, in the same Council, *Quamvis noverim officio ac dignitate Imperii penes nos esse potestatem congregandorum Conciliorum, &c.* Although I know that by vertue of our office and Imperial dignity, the power of calling Councils rests in us, especially in so great dangers of the Church. For both Constantine, and Theodosius, and Justinian, and of fresher memory Charles the Great and Otho, Emperours, are recorded to have done this; Yet I do commit the authority of determining this great and high businesse to your wisdom and power, that is, to the Bishops there assembled.

Roderic. de
Gestis
Fred. 1.
lib. 2. c. 56.

The English Reformation not Schismatical.

But it may be objected, that the Emperours with their Synods never made any such Schismatical reformation, as that which was made by the Protestants in England. I answer, First, that the Schisme between the Roman Court and the English Church, (other Schisme I know none on our parts) was begun long before that reformation in the daies of Henry the eighth, and the breach sufficiently proclaimed to the world, both by Romish Bulls and English Statutes. We could not be the first separatours of our selves from them, who had formerly thrust us out of their doors. It is not Schismatical

cal to substract obedience from them to whom it is not due, who had extruded us out of their Society: but it is Schismatical to give just cause of subtraction.

Secondly, I answer, That there was a great necessity of Reformation both in Germany and England. For proof whereof, I produce two witnesses beyond exception, the one a Pope, the other a Cardinal. The former is *Adrian* the sixth, in his instructions to his Legate, in the year 1522. which the Princes of the Empire take notice of in their answer. His words are these, *Scimus*

*in hac Sancta sede aliquot jam annis multa abominanda fuisse, &c. VVe know that for some by-past yeares many things to be abominated have been in this holy See, abuses in spiritual matters, excesses in commands; and to conclude, all things out of order, &c. wherein for so much as concerns us, thou shalt promise that we will use all our endeavour, that first this Court from whence peradventure (sure enough) all the evil did spring, may be reformed, that as corruption did flow from thence to the inferiour parts (of the Church), so may health and Reformation. To procure which, we do hold our selves so much more strictly obliged, by how much we do see the whole world greedily desire such a Reformation. O *Adriane, si nunc viveres.**

Goldast.
part. 2.
pag. 29. et
31.

The other witnesse is Cardinal *Pool*, who makes two main ends of the Council of *Trent*: The one, the reconciling of the *Lutherans*; The other, *quo pacto ipsius Ecclesie*

fix

*Regin. Polus
de Concilio,
pag. 86.*

*Reformatio
Angliae, edit.
Venet.
1562.*

*Concil. de
lect. Cardi-
nal. edit.
Lutet. an.
1612. pag.
131, &c.*

fiæ præcipua, vel potiùs omnia ferè mem-
bra, ad veterem disciplinam & instituta, à
quibus non parùm declinârunt, revocentur.
*To consider how the principal members of the
Church, or rather almost all the members, might
be reduced to their ancient discipline and Ordi-
nances, from which they had swerved much. Yet
when himself was sent afterwards by Paul
the fourth to reform the Church of En-
gland, it seemeth that he had forgotten
those great deviations of the principall
members, and those very representations
which he himself with eight other selected
Cardinals and Prelates had made upon oath
to Paul the third: Then he saw that this
lying flattering principle, that The Pope is the
Lord of all benefices, and therefore cannot be a
Simoniack, was the fountain, ex quo tan-
quam ex equo Trojano irrupere in Eccle-
siam Dei tot abusus, et tam gravissimi mor-
bi, &c. from which as from the Trojan horse
so many abuses and so grievous diseases had bro-
ken into the Church of God, and brought it to a
desperate condition, to the derision of Christian
Religion, and blaspheming of the Name of Christ:
And that the cure must begin there, from whence
the disease did spring, by taking away all abu-
ses in dispensations of all kinds, and ordina-
tions, and collations, and provisions, and
pensions, and permutations, and reservati-
tions, and coadjutorships, and expectative
graces, and unions, and non-residence, and
exemptions, and absolutions, and all such
pecuniary*

pecuniary artifices: because it is not lawful by any means to reap any gain from the exercise of the power of the Keyes. Tollantur (say they) he macula, &c. Let these spots be taken away, to which if any entrance be given in any Common-Wealth or Kingdom whatsoever, it must needs fall headlong instantly or very shortly to ruine. Pag. 140.

Thirdly, I answer, that the Emperours and the German Church did not onely desire a reformation, as appeareth by the Letter of An. 1415.

Sigismund the Emperour to the King of France, *Maximo desiderio jamdudum tenebamus, &c.* We have long desired greatly to see the onely Spouse of Christ the Catholick Church happily reformed in our daies, but after we were assumed to the Imperial Government, our desire passed into command, &c. And the Goldast. part. 1. pag. 146.

advices of Constance conceived by the Deputies of the German Nation in that Council, against some special abuses of the Pope and his Cardinals: And by the advices of Ments made and concluded in that City by the States of the Empire, in the time of the Idem. pag. 149.

Council of Basle, for preserving the authority of General Councils; for relief from grievances; for procuring of conditions from the Pope; for preservation of their Idem. pag. 155.

just liberties; and for prevention of the abuses, and excesses, and extortions of the Roman Court: And by the hundred Grievances of the German Nation proposed to the Popes Legate by the Princes and Lords of the Idem. p. 2. pag. 36.

Idem p. 2.
pag. 177.

the Roman Empire, against the injuries, extortions, and usurpations of the See of Rome, and the incroachments and oppressions of Ecclesiastical Courts, and persons: And lastly, by the gracious promise of *Charles* the fifth to hold a Dyett within half a year, wherein it should be resolved, what way the differences in Religion should be settled and quieted, whether by a General, or National Council, or Imperial Dyett.

Gold. p. 1.
pag. 207.

Id. p. 211.

Idem. pag.
170.

Neither did the Emperour and the German Nation onely endeavour to reform, but they did in some measure actually reform the excesses of the Roman Court, and other Ecclesiastical abuses and innovations; as it hath already been verified of *Charles* the Great, and *Ludovicus Pius*. This appeareth yet more plainly by the *concordates* (as they are stiled) of the German Nation with *Gregory* the 13th: And the agreements of *Frederick* the third and the Princes of the Empire with Pope *Nicholas* the fifth, whereby the excesses and abuses of the Roman Court are something abated, and reduced: And by the Ghostly or Ecclesiastical reformation made by *Sigismund* the Emperour, in the year 1436, containing 37 Chapters or Articles, for regulating the Pope and his Court, Cardinals, Archbishops, Bishops, Suffragans, Abbats, Monks, Friars, Nunnes, and all sorts of Ecclesiastical or religious persons.

I cannot here omit a witty answer of this Emperour, as he was deliberating with some Ecclesiastical persons about a Reformation, and one said it must begin with the Minimes. No, said he, *non à Minoritis, sed à Majoritis*, not with the Minimes, but with the Maximes, or great ones, that is, the Pope and the Cardinals, and the Court of Rome.

Catalog. se-
sium veri-
tatis.

This appeares also by the *Interim*, or declaration of Religion made by Charles the fifth, attested with his Imperial seal, and accepted and approved by the States of the Empire, assembled in a Dyett at *Ausburge*, May 15. in the year, 1548, where the whole exercise of Religion is established, untill the definition of a Councel. I produce it not to shew what it was, but what power the Emperour did assume in point of Religion; wherein these words are contained: *Quod autem in supradicta declaratione sub rubrica, de ceremoniis & usu Sacramentorum inter alia dicitur, [in quas tamen si quid irrepsit quod causam dare possit superstitioni, tollatur.] Reservat sibi soli Cæsarea Majestas, &c.* And whereas in the aforesaid declaration, under the rubrick of ceremonies and the use of the Sacraments, among other things it is said, *[into the which nevertheless if any thing have crept that may administer occasion of superstition, let it be taken away.] His Imperial Majesty doth reserve unto himself alone in this and the like Articles, where and as often as it shall be*

Gold. part.
2. p. 109.

be needful, now and hereafter, the right to correct, to adde, to detract, as it shall seem just and equal to himself, according to the present exigence of affaires.

Gold. part.
2. p. 197.

Lastly, this appeareth by the declaration of *Ferdinand* the Emperour made in the year 1555, in favour of the *Augustane* Confession, and the professors thereof.

Gold. p. 1.
p. 103.

Secondly, the Kings of England in their great Councils did make themselves the last Judges of the liberties and grievances and necessities of their people, even in cases Ecclesiastical, not the Pope. They had reason. In vain is the Court of Romes determination expected against it self. The Emperours did the same. So *Lodovic* the fourth in his Apology against Pope *John* the 22th. declareth, that the Pope ought not, cannot be a competent Judge in his own cause. The Pope challenged such a confirmation of the Emperour, without which his election was invalid. The Emperour determined the contrary in the Dyet of *Frankford*, An. 1338.

Idem pag.
99.

The Emperours made themselves the last Judges of their liberties and necessities.

Declaramus quod Imperialis dignitas est immediate à solo Deo, &c. We declare that the Imperial dignity is immediately from God alone; And that election gives a sufficient title, And that the Popes approbation or disapprobation signifies nothing. The Pope attempted to divide Italy from the German Empire, by his fulnesse of power. The Emperour declares the Act to be invalid, and of no moment.

When

When the Princes and States of the Empire had presented the hundred grievances of the German Nation to the Popes Legate, they adde this conclusion: *Quod si enumerata onera atq; gravamina, &c.* But if the aboveſaid burthens and grievances be not removed within the time limited or ſooner from the eyes of men, and aboliſhed and abrogated, (which the Lay-States of the Empire do not expect,) then they would not have his Holineſſe to be ignorant, that they neither can nor will bear or indure the aforeſaid moſt preſſing and intolerable burthens any longer, but find out other means of eaſe, and vindicate their former liberties and immunities. As the ſenſe of their ſufferings was their own, ſo they would have the remedy to be their own, and not leave the cure to a tyrannical Court.

Goldaſt.
part. 2.
pag. 58.

To this adde the Proteſtation and the Oath of the Electoral Colledge and the other Princes of the Empire, mentioned in their letter to *Benedict* the 12th. *Quod jura, honores, bona, libertates, & conſuetudines Imperii, &c.* That they would maintain, defend and preſerve inviolated, with all their power and might, the rights, honours, goods, liberties, and cuſtomes of the Empire, and their own Electoral right belonging to them by law or cuſtome, againſt all men, of what prebeminence, dignity, or ſtate ſoever, (that is to ſay in plain termes, againſt the Pope and his Court,) notwithstanding any perils or mandates, or proceſſes whatſoever, that is, notwithstanding any

Idem p. 1.
pag. 100.

N

citations,

citations, or bulls, or excommunications, or interdictions from Rome.

Take but one instance more : *Ferdinand* the present Emperour out of an unavoidable necessity, to extinguish the flame of a bloody intestine war, and to save the Empire from utter ruine, contracts a peace with the King of France, the Swedes, and their adherents, whereby sundry Bishopricks and other Ecclesiastical dignities were conferred upon Protestants, lands and other hereditaments of great value were alienated from the Church in perpetuity, free exercise of their Religion was granted to those of the *Augustan* Confession, Annates, confirmations, and other pretended Papal rights were abolished. The Popes extraordinary Nuncio protested against it: And Pope *Innocent* himself by his Bull bearing date Novemb. 26: in the year 1651, declared the contract to be void, annulled it, and condemned it as injurious and prejudicial to the Orthodox Religion, to the See of Rome, and to the rights of Holy Church, notwithstanding the municipal Lawes and immemorial customes of the Empire, and notwithstanding any Oathes taken for the observation thereof. Yet the Emperour and the Princes of Germany stand to their contracts, assert the municipal lawes and customes of the Empire; And assume unto themselves to be the onely Judges of their own priviledges and necessities.

Thirdly, *Henry* the eighth challenged to himself

*Pul. Innocentis
Imp. Romæ
an. 1651.*

himself the patronage of Bishopricks, and investitures of Bishops, within his own Dominions. The Emperours did more: *Adrian* the fourth taxed *Frederick* the first for requiring homage and fealty of Bishops, *Et manus eorum sacratas manibus tuis innectis*, and that he held their consecrated hands in his hands. The Emperour denyed it not, but justified it, *Ab his qui regalia nostra tenent, cur homagium & regalia Sacramenta non exigamus?* why may we not require homage and Oathes of Allegiance from them who hold their Lands of our Imperial Crown? The Ecclesiastical Lords in their letter to *Innocent* the third do acknowledge, that the fees which they held from the Empire, they had received at the hands of *Otho* the fourth, and had done him homage and sworn fealty to him. And this before his Imperiall Coronation at Rome.

Gold. par.
1. pag. 58.
Emperours
injoyed
investi-
tures.

Idem pag.
72.

Henry the fifth goes yet further, and accuseth Pope *Paschal*, that without any hearing he sought to take away from the Empire the investitures of Bishops which the Emperours his predecessours had enjoyed from the time of *Charlemain* by the space of 400 yeares and upwards: A fair prescription. But this is not all; The Emperours did long enjoy the patronage of the Papacy it self, and the disposition of the Roman Bishoprick. *Adrian* the first with the whole Clergy and people of Rome quitted all their claim, right and interest to *Charles* the Great, as well in the

Id. p. 53.

Id. p. 1.

P. 34.

elections of the Popes, as investitures of Bishops. And *Leo* the eighth did the like to *Otho* the first, which is a truth in history so apparent, that no man can deny it with his credit, nor question it with reason.

*Id. pag 58.
& 61.*

Emperours
have ex-
cluded Le-
gates, &c.

Fourthly, the Kings of England suffered no appeales to Rome out of their Kingdoms, nor Roman Legates to enter into their Dominions, without their License. No more did the Emperours, though they acknowledge the Roman Bishop to be their Patriarch, which we do not. *Hadrian* the fourth complained of *Frederick* the first, That he shut both the Churches and the Cities of his Kingdom against the Popes Legates à latere. And more fully in his letter to the German Bishops, that he had made an edict, that no man out of his Kingdome should have recourse to the Apostolique See. To the former part of the charge the Emperour answers, Cardinalibus vestris clausæ sunt Ecclesiæ, & non patent civitates, quia non videmus eos prædicatores, sed prædatores; non pacis corroboratores, sed pecuniæ raptore; non orbis reparatores, sed auri insatiabiles corrasores:

Pag. 59.

Our Churches and Cities are shut to your Cardinals, because we do not see them Preachers, but robbers; not confirmers of peace, but extorting catchers of money; not repairers of the world, but insatiable scrapers together of gold: Thus much he writ to the Pope himself. To the second part of the charge he answers, That he had not shut up the entrance into Italy, or the passage

passage out of Italy by edict, nor would shut it up to travellers, or such as had necessary occasions, and the testimony of their Bishops for their voyage to the See of Rome, but he intended to remedy those abuses, by which all the Churches of his Kingdoms were burthened and impoverished. That the whole body of the Empire were of the same mind, it appears by the Advises of *Ments*; And by the hundred grievances of the German Nation, which the Princes and Peeres of the Empire protested that they neither could nor would indure any longer.

Ch: 13.

Ch. 5, 6, 7, 8.

Fifthly, the Kings of England declared the Popes Bulls to be void: They had good reason, for they were not under his Jurisdiction, nor within the sphere of his activity: The Emperours did not so generally, but yet they took upon them to be Judges whether the Popes key did erre or not. Pius the second by his Bull condemned all appeales from the Pope to a General Council, as erroneous, detestable, void and pestilent, and subjected all those who should use them after two moneths to execration, *ipso facto*, of what condition soever they were, Emperours, Kings or Bishops. Yet long after this Charles the fifth appealed from Clement the seventh to a Generall Council; Ad sacri Generalis Concilii & totius Christianitatis cognitionem et iudicium remittenda censuimus, Illiq; nos et omnia quæ cum S. vestra habere possumus,

And neglected the Popes Bulls, &c.

An. 1459

Anno 1526.
Rescript.
Car. 5. ad
Criminal.
P. Clem. 7.

aut deinceps habituri sumus omnino subjicimus. Wherein he did but insist in the steps of his predecessors. *Lewis* the fourth did the same to *John* the 22th. And in the Dyet of Frankford decreed *them all that should assent to the Popes Bull to be guilty of treason, and to have forfeited all their fees which they held of the Empire; because the sentence of a Pope contrary to God, or to holy Scripture, or to that due obedience which a Subject owes to his Prince, is of no moment or validity: And such the Princes and Peeres of the Empire did unanimously declare the Popes Bull to be, contra Deum, & justitiam, & juris ordinem, contrary to God, contrary to holy Scripture, and contrary to due order of Law.*

Gold. p. 1.
pag. 99. et
104.

P. 100. ⁶
And seized
upon Papal
pretended
rights,

Cap. 10.

In Conclu-
sione
Sess. 21.

Sixthly, *Henry* the eighth deprived the Pope of his Annates, tenths, and first fruits in England, of his pall-money, and other extorted revenues. What did the Empe-
rour and the Germans lesse then he? In the advises of *Ments* it is concluded, that the Pope shall receive nothing either before or after for confirmations, elections, admissions, collations, provisions, presentations, holy orders, palles, benedictions, &c. upon pain that the transgressour thereof either in exacting, or giving, or promising, should incur the punishment due to a *Simoniacal* person. And though these were but Advises, yet the King of the Romans and Electors did covenant mutually to assist and defend one another in the maintenance of them

them against all men; And yet further procured them to be confirmed and enlarged in the Council of *Basile*, by the addition of investitures, bulls, annates, first fruits, &c. This was too sweet a morsel for the Pope to lose willingly, when the Archbishop of *Ments* paid for his pall (worth about six pence) thirty thousand Florens.

By the *Concordates* or accord made between the Emperour and Princes of Germany, and *Nicholas* the fifth, the Annates are in part remitted or taken away. The Estates of the Empire assembled at *Nurenberge* represented to *Adrian* the sixth, that Annates were given for maintenance of the War against the *Turks*, and how comely a thing it were that they should be restored to the same use. The Princes added further, That they were but granted for a certain term, which was effluxed. The hundred Grievances rest not here, but say moreover, that they were but deposited at *Rome*, to be preserved faithfully for that use. And lastly, *Charles* the fifth in his Rescript tells the Pope, That other Kings do not suffer the spoyles of the Churches and Annates to be transported out of their Kingdoms to *Rome*, so universally, and so abundantly.

Seventhly, to draw to a conclusion, *Henry* the eighth imposed an oath of fidelity or allegiance upon his Subjects, Ecclesiastical as well as temporal. So did *Frederick* the first Emperour of that name: *I swear that from henceforth I will be faithful to my Liege Lord,*

N 4

Frederick

Gold. part.
2. pag. 24.
et 32.

Cap. 19.
Resc. Num.
44.

And have imposed Oaths of allegiance.

Gold. part.
1. pag. 64.

Frederick the Emperour of the Romans against all men (the Pope is included, or rather intended principally) as by Law I am bound, And I will help him to retain his Imperiall Crown, and all his honour in Italy, &c.

The Germans
against Par-
dons, In-
dulgences,
&c.

Henry the eighth took away Popish pardons, and indulgences, and dispensations; The German Nation likewise groaned under the burthen of them. Among their hundred grievances, that of dispensations was the first; And that of Papal Indulgences the third, either for sins past, or to come, *modo tinnat dextrâ*, (it is their own phrase.) They call these artifices *meer impostures*, by which the very marrow of Germany was sucked up, their ancient liberty was enervated, and the merit of Christs passion became sleighted.

Gravam. 1.
& 3.

Emperours
have depo-
sed Popes,
and appea-
led from
them, &c.

Lastly, Henry the eighth abolished the usurped jurisdiction of the Bishop of Rome, within his Dominions. The Emperours did not so, whether they thought it not fit to leave an old Patriarch; Or because they did not sufficiently consider the right bounds of Imperial power, especially being seconded with the authority of an Occidental Council; or because they did not so clearly distinguish between a beginning of unity and an universality of Jurisdiction; or because they had other remedies wherewith to help themselves, I cannot determine. But this we have seen, That the Emperours have deposed Popes, and have appealed

appealed from Popes to General Councils ; And have maintained their Imperial prerogatives against Popes, and made themselves the last Judges of the liberties and necessities of the whole body Politique.

Frederick the third in the Dyet of Nuremberg sequestred all the moneys that should be raised in three years from Indulgences and absolutions, whether Papal or Conciliary, towards the raising of twenty thousand men for defence of the Empire against the Turk. The resolution of the Elect Archbishop of Trevers against Gregory the 7th. was this, *Ne plus per hunc Sancta, qua modo extremum trahit spiritum, periclitetur Ecclesia, ex me dico, quod nullam ei posthac obedientiam servabo, &c.* Left the holy Church which is now brought to the last gasp incur more danger by his means, I speak of my self, that hereafter I will perform no obedience to him, (that is, Pope Hildebrand). Neither was this his resolution alone. All the German Bishops were of the same mind : *Because thy entrance into the Papacy was begun with so great perjuries ; And the Church of God is brought into such a grievous storm through the abuse of thy innovations, and thy life and conversation is soiled with so manifold infamy : As we promised thee no obedience, so we let thee know, that for the future we will perform none unto thee.* Et quia nemo nostrum (ut publice declamas) tibi hactenus fuit Episcopus, ita nulli nostrum à modo eris Apostolicus : And as thou hast
reputed

Gold. part. I.
pag. 214.
Num. 8.

Pag. 47.

Et 48.

reputed none of us for Bishops hitherto; So hereafter none of us will esteem thee for the Successour of Saint Peter. Which sentence was confirmed by the Emperour: Ego Henricus Rex cum omnibus Episcopis meis tibi dico, Descende, descende.

The first Council of *Pisa* did not onely substract their obedience from *Peter de Luna*, calling himself *Benedict* the 13th, and *Angelus de Gorario* calling himself *Gregory* the 12th. But they decreed that it was lawful for all Christians, and accordingly did command them to substract their obedience from them. Of which Council the Council of *Constance* was a continuation. The second Council of *Pisa* suspended *Julius* the second, from the Papacy, and commanded all Christians to withdraw their obedience from him. The former had the consent of the Emperour: The later, his assistance and protection; as appeareth both by the solemn promise of the Emperours Ambassadors made in Council, and the acknowledgment of the Council it self.

I will conclude this first part of my parallel concerning the Empire with two answers of German Bishops. The first of the German and French to *Anastasi* the second, wherein they tell him plainly, that they did not understand that new compassion, which the Italian Physicians used to cure the infirmities of France. They taxe them for seeking to restrain

*Seff. 8. et 9.
Seff. ultima.
promot. Con-
cil. Pisani
pag. 32. et
172.*

restrain the absolution of souls to *Rome*.

They require that *Italian* Bishop that is without sin to cast the first stone at them; They advise them not to use their pretended authority against their Bishops, lest the blow should recoile upon themselves, for that theirs had not learned to fear above that which was needfull: they tell them that surely they in *Italy*, think that the *Galles* had lost all these three, *Verbum*, *ferrum*, & *ingenium*, their tongues, their wits, and their weapons.

And so they conclude, *Etiam si inclinata esset arca testamenti nostri, nostrorum Episcoporum esset, & non illorum, inclinatum relevare.* Although the arke of their Covenant was falling, yet it belonged to their own Bishops, and not to them, to lift it up again.

Ex schedis
Joannis
Aventini
apud Goldast.
in
Rationali
p. 48.

The other answer was of the Archbishops of *Colone* and *Triers*, with the Synod of *Coloegne* to *Nicholas* the first. Wherein after many bitter expressions they have these words, *Hic de causis nos cum fratribus nostris & collegis, neque edictis tuis stamus, neque vocem tuam agnoscimus, neque tuas bullas tonitruaque tua timemus.* For these reasons we with our brethren and colleagues, do neither give place to thy edicts, nor acknowledge thy voyce, nor fear thy thundring bullas.

Ibid. p. 50.

I expect that some will be ready to object, that these substractions were but personal, from the present Pope, not from the See of *Rome*, which is true in part. But the same equity

equity and rule of justice which warrants a separation from the person of the Pope, for personal faults, doth also justify a more durable separation from the See of *Rome*, that is from him and his Successours, for faulty rules and principles, either in doctrine or discipline, untill they be reformed.

The French no vassals of the Roman Court.

From *Germany* our passe is open into *France*. where the case is as clear as the Sun, how their Kings, (though acknowledged by the Popes themselves to be most Christian, the eldest Sons of the Church, and otherwise the great Patrons and Protectours of the *Romane* See,) with their Princes of the blood, their Peers, their Parliaments, their Ambassadours, their Schools and Universities, have all of them, in all ages, affronted and curbed the *Roman* Court, and reduced them to a right temper and constitution, as often as they deviated from the Canons of the Fathers, and incroached upon the liberties of the *Gallicane* Church. Whereby the Popes jurisdiction in *France* came to be meerly discretionary, at the pleasure of the King.

Hincmare had been condemned by three *French* Synods for a turbulent person, and deposed. Pope *Adrian* the second takes Cognisance of the cause at *Rome*, and requires *Carolus Calvus* the King of *France* to send *Hincmare* thither with his accusers, to receive justice. The Kings apologetick answer will shew how he relished it. Valde mirati

mirati sumus ubi hoc dictator Epistolæ scriptum invenerit, esse Apostolica auctoritate præcipiendum, ut Rex corrector iniquorum & districtor reorum, atque secundum leges Ecclesiasticas atque mundanas ultor criminum, reum legaliter ac regulariter pro excessibus suis damnatum, sua fretum potentia Romam dirigat. *We wondered much where he who dictated the Popes Letter hath found it written, as commanded by Apostolical authority, that a King who is the Corrector of the unjust, the punisher of guilty persons, and according to all Lawes Ecclesiastical and Civill the revenger of crimes, should send a guilty person, legally and regularly condemned for his excesses, to Rome. He tells him, that the Kings of France were reputed terrarum Domini, not Episcoporum Vice-Domini, or Villici; Lords paramount within their Dominions, not Lieutenants or Bayliffes of Bishops. Quis igitur hanc inversam legem infernus evomuit? quis tartarus de suis abditis & tenebrosis cuniculis eructavit? What hell hath disgorged this disorderly law? what bottomlesse depth hath belched it up out of its hidden and obscure holes?*

Goldast. •
Constitut.
Imper. p. 1.
pag. 24.

The Kings of France have convented the Popes before them; So *Charles* the Great dealt with *Leo* the third, and *Lotharius* with *Leo* the fourth.

The Kings of France have appealed from Popes to Councils: So *Philip* the 4th. with
the

the advise of all the orders of *France* and the whole *Gallicane* Church, appealed from *Boniface* the eighth, and commanded his appeal to be published in the great Church at *Paris*. So *Henry* the great appealed from *Gregory* the 14th. and caused his appeal to be affixed to the gates of *Saint Peters* Church in *Rome*. So the School of *Sorbone* appealed from *Boniface* the eight, *Benedict* the eleventh, *Pius* the second, and *Leo* the tenth.

The Kings of *France* have protested against the Popes decrees and sleighted them, yea, in the very face of the Council of *Trent*. Witnesse that protestation of the Ambassadour of *France*, made in the Council in the name of the King his Master.

Goldast. 1031
3. p. 571.

"We refuse to be subject to the commands and disposition of *Pius* the fourth, we reject, refuse and contemn all the judgements, censures and decrees of the said *Pius*. And although (most holy Fathers) your Religion, Life and Learning was ever, and ever shall be of great esteem with us ; Yet seeing indeed you do nothing , but all things are done at *Rome* rather then at *Trent* : And the things that are here published, are rather the decrees of *Pius* the fourth, then of the Council of *Trent*, we denounce and protest here before you all, that whatsoever things are decreed and published in this
Assembly

“ Assembly by the meer will and pleasure
 “ of *Pius* neither the most Christian King
 “ will ever approve, nor the *French* Church
 “ ever acknowledge to be decrees of a Ge-
 “ neral Council. Besides this, the King
 “ our Master commandeth all his Archbi-
 “ shops and Bishops and Abbats, to leave
 “ this Assembly and presently to depart
 “ hence, then to return again, when there
 “ shall be hope of better and more orderly
 “ proceedings. This was high and smart
 for the King and the *Gallicane* Church, so
 publickly to reject, refuse and contemn all
 Papal decrees, and to challenge such an
 interest in, and power over the *French*
 Archbishops and Bishops, as not onely to
 license them, but to command them to de-
 part and leave the Council, whither they
 were summoned by the Pope.

The *French* Kings have made Lawes and
 constitutions from time to time to repress
 the insolencies and exorbitances of the Pa-
 pal Court, so often as they began to pre-
 judice the liberties of the *Gallicane* Church,
 with the unanimous consent of their Prin-
 ces, Nobles, Clergy, Lawyers, and Com-
 mons. As against their bestowing of Ec-
 clestialtical dignities and benefices in *An. 1267.*
France, and their grosse Simony and extor-
 tions in that way, against the payment of *An. 1406.*
 Annates and tenths to *Rome*, and generally
 for all the liberties of the Church of *France*.
 Against reservations and Apostolical graces,
 and

An. 1418.

An. 1438.

As that of
August. 16.
an. 1478.

An. 1487.

An. 1517.

and all other exactions of the Court of Rome. Charles the seventh made the pragmatic Sanction, to confirm all the Acts of the Councils of *Constance* and *Basil* against the tyranny and usurpation of the Pope. It is true that *Lewis* the eleventh, by the flattering perswasion of *Aeneas Sylvius*, then *Pius* the second, did revoke this Sanction. But the Kings Proctour, and the Rectour of the University of *Paris* did oppose themselves formally to the Registring and Authorizing of this revocation. Whereupon the King desired the advise of his Parliament in writing, which they gave to this effect, That the revocation of that Sanction tended to the confusion of the whole Ecclesiastical order, the depopulation of France, the exhausting and impoverishment of the Kingdom, and the total ruine of the French Church. Hereupon the King changed his mind, and made diverse declarations and edicts conformable to, and in pursuance of the pragmatic Sanction. After this the three Estates assembled at *Towers*, made it their first and instant request to *Charles* the 8th. that he would preserve inviolable the pragmatic Sanction, which they reputed as the *Palladium* of France. And in the National Council assembled by *Lewis* the 12th. in the same City it was again confirmed.

But the Pope stormed, and thundered, and excommunicated, and interdicted *Lewis* the 12th. *Francis* the first, and the whole

whole Realm, and exposed it as a prey to the first that could take it; And gave plenary Indulgence to every one that should kill a *Frenchman*. King *Francis* fainted under such fulminations, and came to a composition or accommodation with *Leo* the tenth, which was called *conventa*, or the *concordate*: On the one side the Popes friends think he wronged himself and his title to a spiritual Sovereignty very much, by descending to such an accommodation. And exclude *France* out of the number of those Countries which they term *pays d'obedience*. As if the French were not loyal obedient Subjects, but Rebels to the Court of *Rome*. On the other side the Prelates, the Universities, the Parliaments of *France*, were as ill contented that the King should yeeld one inch, and opposed the accord: Insomuch, as the University of *Paris* appealed from it to a future Council, and expedited Letters Patents sealed with the Universities Seal, containing at large their grievances, and the reasons of the appeal, which after were published to the world in print.

*Fasciculus
verum expe-
tend. et
fugiend.
impressus
1535.*

I cannot here omit the free and just speech of a French Bishop; When *Henry* the fourth had in a manner ended the civill Wars of *France*, by changing from the Protestant to the Roman Catholique Communion: Yet the Pope who favoured the contrary party, upon pretence of his dissi-
3
mulation;

mulation, and great dangers that might ensue thereupon, for a longtime deferred his reconciliation, untill the French Prelates by their own authority did first admit him into the bosome of the Church. At which time one of them used this discourse, *Was France all on fire, and had they not Rivers enough at home, but they must run as far as Rome, to Tybur, to fetch water to quench it?*

Since that in Cardinal Richlien's daies it is well known what books were freely printed, and publickly sold upon *pont neuf*, of the lawfulness of erecting a new, or rather restoring an old proper Patriarchate in France, as one of the liberties of the Gallicane Church. It was well for the Roman Court that they became more propitious to the French affaires.

Take one instance more which happened very lately. The Pope refused to admit any new Bishops in *Portugal*, upon the nomination of the present King, because he would not thereby seem to acknowledge or approve his title to the Crown, in prejudice of the King of *Spain*, whereby the Episcopal order in *Portugal* and the other Dominions belonging to that Crown, was well near extinguished, and scarcely so many Bishops were left alive, or could not be drawn together, as to make a Canonical Ordination. The three Orders of *Portugal* did represent to the Pope, that in the Kingdomes of *Portugal*

ingal and the *Algarbians*, wherein ought to have been three *Metropolitans* and ten *Suf-fragans*, there was but one left, and he by the Popes dispensation non-Resident: And in all the *Asiaticque* Provinces but one other, and he both sickly and decrepit. And in all the *African* and *American* Provinces and the Islands not one surviving. But the Pope continued inexorable; whereupon they present their request to their neighbours and friends the *French* Prelates, beseeching them to mediate for them with his Holinesse. And if he continue still obstinately deaf to their just petition, to supply his defect themselves, and to Ordain them Bishops in case of necessity: The *French* did the Office of Neighbours and Christians. The Synode of the French Clergy did write to the Pope on their behalf in *April*, 1651. But that way not succeeding, they sent one of their Bishops, as an expresse *Envoié* to his Holinesse, to let him know that if he still refused, they cannot nor will be wanting to themselves, to their neighbours, but would supply his defect; what the issue of it is since, I have not yet heard.

*Lusitania
gemitus, p.
20.*

*Epist. Cler.
Gallicani
ad. Innoc.
Pap. 10.*

But to leave matter of fact, and to come to the fundamental Lawes and Customes of *France*. Every one hath heard of the liberties of the French Church, but every one understands not what those liberties are, as being better known by their practice at

*Traictés des
droits et li-
bertés de
l'Eglise
Gallicane.*

*Pro liber-
tate Ecclesie
Gallic. ad-
versus Ro-
man. aulam
defensio Pa-
risiens. Cu-
ria.*

The liber-
ties of the
French
Church.

home, then by Books abroad. I will onely select some of them out of their own authentique authorities. And when the Reader hath considered well of them, let him judge what authority the Pope hath in France, more then discretionary at the good pleasure of the King, or more then he might have had in other places, if he could have contented himself with reason. Protestants are not so undiscree, or uncharitable, as to violate the peace of Christendom, for a primacy or headship of order, without superiority of power, or for the name of his Holinesse; Or for a Pall, if the price were not too high, Or for a few innocent formalities.

1. The Pope cannot command or ordain any thing directly or indirectly concerning any temporal affairs, within the dominions of the King of France.

2. The spiritual authority and power of the Pope is not absolute in France, but limited and restrained by the Canons and Rules of the ancient Councils of the Church, received in that Kingdom. Where observe first, that the Pope can do nothing in France as a Sovereign Spiritual Prince, with his *non obstantes*, either against the Canons or besides the Canons. Secondly, that the Canons are no Canons in France, except they be received. This same priviledge was anciently radicated in the fundamental Lawes of England. This priviledge the Popes indeavoured to pluck up

up by the roots. And the contentions about this priviledge were one principal occasion of the separation.

3. *No command whatsoever of the Pope can free the French Clergy from their obligation to obey the commands of their Sovereign.*

4. The most Christian King hath had power at all times, according to the occurrence and exigence of affairs, to *assemble or cause to be assembled Synods, Provincial or National*, and therein to treat not onely of such things as concern the conservation of the Civil estate, *but also of such things as concern Ecclesiastical order and discipline* in his own dominions. And therein to make Rules, Chapters, Lawes, Ordinances, and pragmatique sanctions *in his own name, & by his own authority*. Many of which have been received among the decrees of the Catholick Church, and some of them approved by general Councils.

5. *The Pope cannot send a Legate à latere into France, with power to reform, judge, collate, dispense, or do such other things accustomed to be specified in the authoritative Bull of his Legation, except it be upon the desire, or with the approbation of the most Christian King.* Neither can the said Legate execute his charge untill he hath promised the King in writing, under his oath upon his holy orders, not to make use of his Legantine power in the Kings Dominions longer then it shall please the King. And

that so soon as he shall be admonished of the Kings pleasure to forbid it, he will give it over: And that whilest he doth use it, it shall be exercised conformably to the Kings will, without attempting any thing to the prejudice of the decrees of Generall Councils, or the liberties and priviledges of the Gallicane Church, and the Universitiet of France.

6. *The Commissions and Bulls of the Popes Legates are to be seen, examined, and approved by the Court of Parliament. And to be registered and published with such Cautions, and modifications as that Court shall judge expedient for the good of the Kingdome, and to be executed according to the said cautions, and not otherwise.*

7. *The Prelates of the French Church, (although commanded by the Pope,) for what cause soever it be, may not depart out of the Kingdom, without the Kings Commandment or License.*

8. *The Pope can neither by himself nor by his Delegates judge of any thing which concerneth the state, preheminance, or priviledges of the Crown of France, nor of any thing pertaining to it; Nor can there be any question or processe about the state or pretensions of the King, but in his own Courts.*

9. *Papal Bulls, Citations, Sentences, Excommunications, and the like, are not to be executed in France without the Kings Command,*

mand, or permission: And after permission, onely by authority of the King, and not by authority of the Pope, to shun confusion and mixture of Jurisdictions.

10. Neither the King nor his Realm, nor his Officers can be excommunicated or interdicted by the Pope, nor his Subjects absolved from their Oath of Allegiance.

11. The Pope cannot impose Pensions in France upon any benefices having cure of soules, nor upon any others, but according to the Canons, according to the expresse condition of the resignation, or *ad redimendum vexationem*.

12 All Bulls and Missives which come from Rome to France are to be seen and visited, to try if there be nothing in them prejudicial in any manner to the estate and liberties of the Church of France, or to the Royal authority.

13 It is lawful to appeal from the Pope to a future Councel.

14 Ecclesiastical persons may be convicted, judged, and sentenced before a secular Judge for the first grievous or enormous crime, or for lesser offences after a relapse, which renders them incorrigible in the eye of the Law.

15. All the Prelates of France are obliged to swear fealty to the King, and to receive from him their investitures for their fees and manours.

16. The Courts of Parliament in case of

appeals as from abuse have right and power to declare null, void, and to revoke the Popes Bulls and Excommunications, and to forbid the execution of them, when they are found contrary to sacred decrees, the liberties of the French Church, or the prerogative Royal.

17. Generall Councils are above the Pope, and may depose him, and put another in his place, and take cognisance of appeals from the Pope.

18. *All Bishops have their power immediately from Christ, not from the Pope, and are equally successors of Saint Peter and the other Apostles, and Vicars of Christ.*

19. Provisions, reservations, expectative graces, &c. have no place in France.

20. The Pope cannot exempt any Church, Monastery, or Ecclesiastical body from the Jurisdiction of their Ordinary, nor erect Bishopricks into Archbishopricks, nor unite them, nor divide them without the Kings Licence.

21. All those are not hereticks, excommunicated, or damned, who differ in some things from the doctrine of the Pope, who appeal from his decrees, and hinder the execution of the ordinances of him or his Legates.

These are part of the liberties of the *Gallicane* Church. The ancient British Church needed no such particular priviledges, since they never knew any forreign Jurisdiction:

The

The *English* British Church which succeeded them in time, in place, and partly in their members and holy orders, ought to have enjoyed the same freedom and exemption. But in the daies of the *Saxon, Danish, and Norman* Kings, the Popes did by degrees insinuate themselves into the mesnagery of Ecclesiastical affaires in *England*. Yet for many ages the *English* Church enjoyed all these *Gallicane* priviledges, without any remarkable interruption from the *Roman* Court. As in truth they do of right by the Law of nature belong to all Sovereign Princes, in their own Dominions. Otherwise Kingdomes should be destitute of necessary remedies for their own conservation. And in later ages, when the Popes having thrust in their heads, did strive to draw in their whole bodies after, the whole Kingdome opposed them, and made Lawes against their several grosse intrusions, as we have formerly seen in this discourse: And never quitted these *English* (as well as *Gallicane*) liberties, untill the Reformation.

But perhaps we may find more loyalty and obedience to the Court of Rome in the Catholick King. Not at all. Whatsoever power King *Henry* or any of his Successours did ever assume to themselves in *England* as the Political Heads of the Church, the same and much more doth the Catholique King not onely pretend unto, but exercise and put in practice in his Kingdome of *Sicily*, both

The King of *Spain* asserts the liberties of his own Churches.

Edict. Car. 5.
Decemb. 7.
An. 1516.

PARON. 10.
11. An.
1097. num.
29. edit.
Mogunt.

both by himself & by his Delegates, whom he substitutes with the same authority, to judge and punish all Ecclesiastical crimes, to excommunicate and absolve all Ecclesiastical persons, Lay-men, Monks, Clerks, Abbats, Bishops, Archbishops, yea, and even the Cardinals themselves which inhabit in Sicily. He suffers no appeals to Rome, He admits no Nuncio's from Rome, *Atque demum respectu Ecclesiasticæ Jurisdictionis neq; ipsam Apostolicam sedem recognoscere & habere superiorem, nisi in casu præventionis.* And to conclude, he acknowledgeth not any superiority of the See of Rome it self, but onely in case of prevention.

What saith *Baronius* to this? He complains bitterly, that *pretensa Apostolica auctoritate contra Apostolicam ipsam sedem grandis piaculum perpetratur, &c.* Upon pretence of Apostolique authority a grievous offence is committed against the Apostolick See, the power whereof is weakned in the Kingdome of Sicily, the authority thereof abrogated, the Jurisdiction wronged, the Ecclesiastical Lawes violated, and the rights of the Church dissipated. And a little after he declaimes yet higher, *Quid tu ad ista dixeris lector?* What wilt thou say to this Reader? but that under the name of Monarchy besides that one Monarch which all the faithful have ever acknowledged as the onely visible Head in the Church, Another head is risen up, and brought into the Kingdome of Sicily, for a Monster and a prodigy, &c. But for this liberty which he took, the King of Spain fairly and quietly without taking any notice

Ibid. nu. 28.

Ibid. num.
29.

notice of his Cardinalician dignity, caused his books to be burned publickly.

It will be objected, That the King of Spain challengeth this power in *Sicily*, not by his Regal authority as a Sovereign Prince, but by the Bull of *Urbanus* the second, who constituted *Roger* Earl of *Sicily* and his heires his Legates *à latere* in that Kingdome, whereby all succeeding Princes do challenge to be *Legati nati*, with power to substitute others, and qualifie them with the same authority.

But first, if the Papacy be by Divine right, what power hath any particular Pope to transfer so great a part of his office and authority from his Successours for ever, unto a Lay-man and his heires, by way of inheritance? If every Pope should do as much for another Kingdom, as *Urbanus* did for *Sicily*, the Court of Rome would quickly want employment.

Secondly, if the Bull of *Urbanus* the second was so available to the succeeding Kings of *Sicily*, which yet is disputed whether it be authentick or not, whether it be full, or defective, and mutilated, why should not the Bull of *Nicholas* the second his predeceffour, granted to our *Edward* the Confessour and his Successours, be as advantageous to the succeeding Kings of *England*? why not much rather? seeing that they are thereby constituted or declared, not Legates, but Governours of the English Church,

Church, in the Popes place, or rather in Christs place, seeing that without all doubt *Sicily* was a part of the Popes ancient Patriarchate, but *Britaigne* was not; And lastly, seeing the situation of *Sicily* so much nearer to *Rome*, renders the *Sicilians* more capable of receiving Justice from thence, then the English.

Thirdly, the King of *Spain* when he pleaseth, and when he sees his own time, doth not onely pretend unto, but assume in his other Dominions that self-same power or essential right of Sovereignty, which I plead for in this treatise. It is not unknown to the world how indulgent a Father *Urban* the eighth was sometimes to the King and Kingdom of *France*, and how passionately he affected the interest of that Crown. And by consequence that his eares were deaf to the requests and remonstrances of the King of *Spain*. The Catholique King resents this partiality very highly, and threatens the Pope if he persist, to provide a remedy for the grievances of his Subjects, by his own power. Accordingly to make good his word, he called a general Assembly of all the Estates of the Kingdome of *Castile*, to consider of the exorbitancies of the Court of *Rome*, in relation to his Majesties Subjects, and to consult of the proper remedies thereof. They did meet and draw up a memoriall consisting of ten Articles, containing the chiefest abuses and innovations, and

and extortions of the Court of Rome in the Kingdom of *Castile*. His Majestie sends it to the Pope by Friar *Domingo Pimentell* as his Ambassadour; The Pope returned a smart answer by *Senior Maraldo* his Secretary. The King replied as sharply. All which was afterwards printed by the special command of his Catholick Majesty.

The summe of their complaint was first concerning the Popes imposing of pensions upon dignities and other benefices Ecclesiastical, even those which had cure of soules, in favour of strangers, in an excessive proportion, to the third part of the full value. That although benefices were decayed in many places of *Spain*, two third parts of the true value; Yet the Court of Rome kept up the Pensions at the full height: That it was contrived so, that the Pensions did begin long before the beneficiaries entred upon their profits, insomuch as they were indebted sometimes two years pensions, before they themselves could taste of the fruits of their benefices; And then the charge of censures and other proceedings in the Court of Rome fell so heavy upon them, that they could never recover themselves. And further, that whereas all trade is driven in current silver, onely the Court of Rome which neither toiles nor sweats, nor hazards any thing, will be paid onely in Duckates of Gold, not after the current rates, but according to the old value.

*Memorial
de la mage-
stad Caro-
lica.*

Chap. 1,
2, 3.

value. That to seek for a remedy of these abuses at Rome, was such an insupportable charge, by reason of three instances and three sentences necessary to be obtained, that it was in vain to attempt any such thing. This they tried out upon as a most grievous yoke.

Chap. 4.

They complained likewise of the Popes granting of Coadjutorships with future succession, whereby Ecclesiastical preferments were made hereditary, persons of parts and worth were excluded from all hopes, and a large gap was opened to most grosse Simony.

Chap. 5.

They complained of the Popes admitting of resignations with reservation of the greatest part of the profits of the benefice; insomuch, that he left not above an hundred Duckats yearly to the Incumbent out of a great benefice.

Chap. 6.

They complained most bitterly of the extortions of the Roman Court, in the case of dispensations. That whereas no dispensation ought to be granted without just cause; now there was no cause at all inquired after in the Court of Rome, but onely the price. That a great price supplied the want of a good cause. That the gate was shut to no man that brought money. That their dispensations had no limits but the Popes will. That for a matrimonial dispensation under the second degree, they took of great persons 8000. or 12000.

12000. or 14000: Duckats.

They complained that the Pope being Chap. 7.
but the Churches Steward and dispenser,
did take upon him as Lord and Master, to
dispose of all the rights of all Ecclesiastical
persons. That he withheld from Bi-
shops being the true owners, the sole dispo-
sing of all Ecclesiastical preferments, for
eight monthes in the year. That he ought
not to provide for his own profit, and the
necessities of his Court, with so great pre-
judice to the right of Ordinaries, and
Confusion of the Ecclesiastical order, whilest
he suffers not Bishops to enjoy their own
Patronages and Jurisdctions. They cite St. *Lib. 4. de*
Bernard, where he tells Pope *Eugenius*, that *Consid.*
the Roman Church (whereof he was made Go- cap. 7.
vernour by God) was the Mother of other
Churches, but not the Lady or Mistris. And
that he himself was not the Lord or Master of
other Bishops, but one of them.

They complained that the Pope did chal- Chap. 8.
lenge and usurpe to himself as his own, at
their deaths, all Clergymens estates, that
were gained or raised out of the revenue of
the Church. That a rich Clergyman could
no sooner fall sick, but the Popes Collectors
were gaping about him for his goods, And
guards set presently about his house. That
by this means Bishops have been deserted
upon their deathbeds, And famished for
want of meat to eat. That they have not
had before they were dead a Cup left to
drink

drink in, nor so much as a Candlestick of all their goods. It is their own expression. That by this means Creditors were defrauded, processses in Law were multiplied, and great estates wasted to nothing.

Chap. 9.

They complained that the Popes did usurp as their own all the revenues of Bishopricks during their vacancies, sometimes for divers years together, all which time the Churches were unrepaired, the poor unrelieved, not so much as one almes given; And the wealth of *Spain* exported into a forreign Land, which was richer then it self. They wish the Pope to take it as an argument of their respect to the See of Rome, that they do not go about forthwith to reform these abuses by their own authority, in imitation of other Provinces. So it was not the unwarrantableness of the act in it self, but meerly their respect that did withhold them.

Chap. 10.

They complained of the great inconveniences and abuses in the exercise of the Nuncio's office. That it is reckoned as a curse in holy Scripture to be governed by persons of a different language. That for ten Crowns a man might purchase any thing of them: That the fees of their office were so great, that they alone were a sufficient punishment for a grievous crime: They added, that self-interest was the root of all these evils. That such abuses as these gave occasion to all the Reformations and Schismes of the Church: They added, That these things did

did much trouble the mind of his Catho-
lique Majestie; And ought to be seriously
pondered by all Sovereign Princes, *qui intra
Ecclesiam potestatis adeptæ Culmina tenent; ut
per eandem potestatem disciplinam Ecclesiasti-
cam muniant.* Behold our Political Supre-
macy. They proceeded, that often the hea-
venly Kingdome is advantaged by the earthly.
That Church-men acting against faith and right
discipline, may be reformed by the rigour of
Princes. Let the Princes of this World know
(say they) that they owe an account to God of
the Church, which they have received from him
into their protection. For whether peace and
right Ecclesiastical discipline be increased or de-
cayed by Christian Princes, God will require an
account from them, who hath trusted his Church
unto their power. They tell his Holinesse it
was a work worthy of him to turn all such
Courtiers out of his Court, who did much
hurt by their persons, and no good by their
examples. Adding this distich;

*Vivere qui sanctè cupitis discedite Roma,
Omnia cum liceant, non licet esse bonum.*

And for remedy of these abuses, they pro-
posed, that the Popes Nuncio's should not
meddle with the exercise of Ecclesiasticall
Jurisdiction, but be meerly in the nature of
Ambassadours; That all Ecclesiastical causes
should be determined at home, according
to the Canons: That the Pope should de-

p legate

Ibidem
Chap. 10.

legate the dispensation of matters of grace to some fit Commissioners within the Kingdom. That Ecclesiastical Courts or *Rota's* should be erected within the Realm, wherein all causes should be finally determined without recourse to Rome, except in such cases as are allowed by the ancient Canons of the Church.

Idem.

Lastly, they represented that his Majesty was justly pressed by the continual clamours, and reiterated instances of his Subjects, to whose assistance and protection he was obliged to contribute whatsoever he was able, as their Natural Lord and King, to procure their weal with all his might, by all just means, according to the dictates of natural reason. And to remedy the grievances which they suffered in their persons and in their goods, by occasion of such like abuses, not practised in other Kingdomes. Especially this proposition being so conformable to the Apostolical precepts, and to the sacred Canons of Councils.

They tell the Pope, that their first addressee is to him, to whom as universal Pastour the Reformation thereof doth most properly belong, that there might be no need to proceed to other remedies prescribed by the Doctors of the Church. And in the margin they cite more then twenty several Authours, to shew what the Magistrate might do, in case the Pope should refuse or neglect to reform these abuses. So you see they confessed plainly;

plainly, that there were other lawful remedies. And intimated sufficiently that they must proceed to the use of them, in case the Pope refused or neglected to do his duty. That was for the Sovereign Prince with his Bishops and Estates to ease his Subjects, and reform the abuses of the Roman Court within his own Dominions: And this by direction of the Law of nature. Upon our former ground, that no Kingdom is destitute of necessary remedies for its own preservation. But they chose rather to tell the Pope this unwelcome Message in the names and words of a whole cloud of Roman Catholick Doctors, then in their own.

In fine, the Pope continued obstinate: And the King proceeded from words to deeds; And by his Sovereign power stopped all proceedings in the Nuncio's Court. And for the space of eight weeks did take away all intercourse and correspondence with Rome, (This was the first act of *Henry* the eighth, which *Sanders* calls the beginning of the Schisme,) untill the Pope being taught by the costly experience of his predecessors, fearing justly what the consequents of these things might be in a little time, was contented to bow, and condescend to the Kings desires.

To shew yet further, that the Kings of *Spain* when they judge it expedient, do make themselves no strangers to Ecclesiasticall affaires,

A Just Vindication

An. 1543.
Pad. Paolo
Apolog. pag.
405.

affaires, we read that *Charles* the fifth renewed an edict of his predecessours at *Madril*, That *Bulls and Missives* sent from *Rome* should be visited, to see that they contained nothing in them prejudicial to the *Crown or Church of Spain*; which was strictly observed within the *Spanish Dominions*.

Lusitanie
gemitus,
pag. 39.

pag. 41.

I might adde upon the credit of the *Portugueses*, how *Alexander Castrean* was disgraced and expelled out of *Spain*, for publishing the *Popes Bulls*, and that the *Papal censures* were declared void. And how the *Popes Delegates or Apostolical Judges* have been banished out of that *Kingdom*, for maintaining the priviledges of the *Roman Court*.

Memoir
de la mage-
stad Cast-
illea.

And when the *King of Spain* objected to the *Pope* the *Pensions* which he and his *Court* received yearly out of *Spain*, from *Ecclesiastical benefices and dignities*; The *Popes Secretary* replied, that all the *Papal Pensions* put together, did scarcely amount to so much as one onely pension imposed by the *King* upon the *Archbishoprick of Siville*. Neither did the *King* deny the thing, but justifie it. as done in favour of an *Infante of Castile*: And did further acknowledge that it was not unusual for the *Kings of Spain* to impose pensions upon *Ecclesiastical preferments*, to the fourth part of the value, except in the *Kingdom of Galicia*: This was more then ever any *King of England*

England attempted, either before or after the reformation.

Before we leave the Dominions of this great Prince, let us cast our eyes a little upon *Brabant* and *Flanders*; who hath not heard of a Book composed by *Jansenius* Bishop of *Ypres*, called *Augustinus*; And of those great animosities and contentions that have risen about it in most Roman Catholick Countreys? I meddle not with the merit of the cause, whether *Jansenius* followed Saint *Austine*, or Saint *Austine* his Ancients, or whether he be reconcilable to himself in this question. I do willingly omit all circumstances, but onely those which conduce to my present purpose. So it was that *Urbane* the eighth by his Bull censured the said Book, as maintaining divers temerarious and dangerous positions, under the name of St. *Austine*, forbidding all Catholicks to print it, sell it, or keep it for the future. This Bull was sent to the Archbishop of *Mechline*, and the Bishop of *Gant* to see it published and obeyed in their Provinces. But they both refused; And for refusing were cited to appear at Rome: And not appearing by themselves or their Proctours, were suspended and interdicted by the Pope, and the copy of the sentence affixed to the door of the great Church in *Brussels*. Although in truth they durst not publish the sentence of condemnation without the Kings Licence;

And were expressly forbidden by the Council of *Brabant* to appear at *Rome* under great penalties, as appeareth manifestly by the Proclamation or *Placart* of the Council themselves dated at *Brussels*, *May 12. 1653*:

*Impress.
Bruxellis
per Anth.
Velpium ty-
pograph. Re-
gium 1653.*

Wherein they do further declare, that it was Kennelick ende notoix, &c. Well known and notoriously true that the Subjects of those Provinces, of what state or condition soever, could not be cited nor convened out of the land, neither in person nor by their proctour, [selver oock niet voor het hof van Roomen] nor by the Court of *Rome* it self. And further that the provisions, spiritual censures, excommunications, suspensions, and interdictions of that Court, might not be published or put in execution without the Kings approbation, after the Councils deliberation. And yet further, they do ordain that the said defamatory writing (So they call the Copy of the Popes sentence) should be torn in pieces in the great Hall of the Court at *Brussels* by the door-keeper, condemning and abolishing the memory thereof for ever. Thus all Christendom do joyn unanimously in this truth, that not the Court of *Rome*, bu their own Sovereigns in their Councils are the last Judges of their National liberties and priviledges.

The King
of Portugal
doth the
same.

I passe from *Spain* to *Portugal*, where the King and Kingdom either are at this present time, or very lately, were very much unsatisfied with the Pope: And all about

about their ancient customes and essential rights of the Crown. As the nomination of their own Bishops, without which condition they tell the Pope plainly, that *they neither can nor ought to receive them.* That if others then the Sovereign Prince have the naming of them. then *suspected persons may be intruded,* and the Realm can have no security. That it is the opinion of all good men, and the judgement of most learned men, that herein *the Pope doth most grievously derogate from the right of the Crown.* That it is done in favour of the King of *Castile,* lest he should either revolt from his obedience to the Pope, or make war against him. And that if provision be made contrary to justice, *for the private interests of the Roman Court, Christs right is betrayed.* They advise the Pope to let the world know that *he hath care of souls, and leaves temporal things to Princes.* That if he persist to change the custome of the Church to the prejudice of *Portugal,* Portugal may and ought to preserve its right; And that *if he love Castile more then Portugal, Portugal is not obliged to obey him more then Castile.*

There are other differences likewise, as namely about the imprisoning of some Prelates for Treason, to which they make this plea, that *the Law doth warrant it.* That Ecclesiastical immunities are not opposite to natural defence. That *it is he that hurts his Countrey, who hurts his own immunity.*

*Lusitanæ
Gemitus,
pag. 30.
Pag. 31.*

Pag. 32.

Pag. 34.

Pag. 37.

Pag. 38.

Pag. 40.

Pag. 41.

A third difference was about the Kings intermedling in the controversies of religious persons. To which they answer, that *the protection of the Prince is not a violation, but a defence of the rights of the Church. That it is the duty of Catholick Princes to see regular discipline be observed.* The fourth difference is about taxes imposed upon Ecclesiastical persons, and the taking up the revenues of Bishopricks in the vacancy, to which they give this satisfaction, *that all orders of men are obliged in justice to contribute to the common defence of the Kingdom and their own necessary protection; And that the revenues of the vacant Bishopricks could not be better deposited and conserved, then when they are employed by the Prince for the publick benefit, cum onere restituendi.*

P. 23.

P. 27.

P. 43.

In summe, they wish the Pope over and over again to consider seriously the danger of these courses, now when Heresie shewes it self with such confidence throughout Europe. That the minds of men are inclined to suspected opinions. That *St. Peters ship which hath often been in danger in a Calme Sea, ought not to be opposed to the violent course of just complainers, who think themselves forsaken. That the Church of Rome hath lost many kingdoms, which have withdrawn their obedience and reverential respect from it, for much lesser reasons. That they had learned with grief by their last repulse, that their submissions and iterated supplications had*
pre-

prejudiced their right. That the Kings Ambassadour, the Clergies messenger, the Agent from the three orders of the Kingdom had found nothing at Rome from two Popes but neglects, affronts, and repulses. And lastly, for a farewell, that Portugal and all the Provinces that belong unto it in Europe, Asia, Africa and America, is more than one single sheep. Which is as much as if they should tell him in plain down right terms, that if he lose it by his own fault, he loseth one of the fairest flowers in his Garland. What the issue of this will be, God onely knowes, and time must discover.

P.44.

P.45.

I will conclude this point with the answer of the University of Lisbon to certain questions or demands, moved unto them by the States or Orders of Portugal. The first question was, whether in case there were no recourse to the Pope, the King of Portugal might permit the consecration of Bishops without the Pope in his Kingdom? To which their answer was affirmative, that he might do it, because Episcopacy was of divine right, but the reservation of the Popes approbation was of humane right, which doth not bind in extreme nor in very great necessity.

Impr. —
Oliſſipona,
an. 1649.

The second question, whether there was extreme necessity of consecrating new Bishops in Portugal? Their answer was affirmative, that there was, because there was but one Bishop left in Portugal, and six and twenty

twenty wanting in the rest of the King's dominions.

The third question was, whether *Portugal* had then recourse to the Pope for his approbation? The answer was Negative, that they had not; first, because the *Castilians* had attempted to slay their Ambassadors before the eyes of *Urban* the 8th. and *Innocent* the 10th. So there was no safe recourse. And secondly, because their Ambassador could not prevail with the Pope in nine years, by all their solicitations: So there was no hope to obtain.

The fourth question was, whether the permission of this were scandalous? The answer was Negative, that it was not; first, because it was a greater scandal to want Bishops. Secondly, because the King had used all due means to obtain the Pope's approbation. Thirdly, because it was done out of extreme necessity.

The fifth and last question was, how Bishops were to be provided? They answered, that it was to be done according to Law, by the election of the respective Chapters, and by the presentation of the King, as it was of old in *Spain* and *Portugal*, and was still observed in *Germany* and elsewhere.

From *Spain* and *Portugal*, it is now high time to passe over into *Italy*: where we meet with the Republick of *Venice*, obliged in some sort to the Papacy for that honour, and grandeur, and profit, and advantage which

which the *Italian Nation* doth reape from it. Yet have not they wanted their discontents, and differences, and disputes with the Court of *Rome*:

The Republick of *Venice* had made several Lawes ; As first, that no Ecclesiastical person should make any claime or pretence to any *bona Emphyteutica*, (as the Lawyers call them) that is, waste lands that had been planted and improved by the great Charge and industry and good Culture of the Fee-farmers, which were possessed by the Laity. Secondly, that no person whatsoever within their dominions should found any Church, Monastery, Hospital, or other religious house, without the special licence of the State, upon pain of imprisonment, and banishment, and confiscation of the soile and buildings. Thirdly, that none of their subjects should alienate any Lands to the Church, or in favour of any Ecclesiastical persons secular or Regular, without the special Licence of the Senate : Upon pain that the Lands so alienated should be sold, and the money divided between the Common-Wealth, the Magistrate executing the Law, and the party prosecuting the proccesse. Fourthly, the Duke and the Senate had imprisoned an Abbat and a Canon, for certain crimes whereof they stood convicted.

Paul the fifth resented these things very highly, and commanded the Duke and Senate

Maii 23.

An. 1602.

Jan. 10.

An. 1603.

Martii. 26.

An. 1605.

Bulla Pauli

quinti. dat

Rom. Ap.

17. 1606.

Venetian.

Lawes.

Bulla eadem.
The Popes
Bull.

Senate of *Venice* to abrogate these Lawes, so prejudicial to the authority of the Pope, to the rights of holy Church, and to the priviledges of Ecclesiastical persons: And to set their prisoners forthwith at liberty: Or otherwise in case of disobedience, he excommunicated the Duke and Senate, and all their partakers; And subjected the City of *Venice* and all the Dominions thereunto belonging to an interdict. And moreover, declared all the Lands and goods which either the City of *Venice*, or any of the persons excommunicated did hold of the Church, to be forfeited, And lastly, commanded all Ecclesiastical persons high and low, upon their obedience, to publish that Bull, and to forbear to celebrate all divine offices according to the Interdict, upon pains contained therein, as also of suspension, sequestration, deprivation, and incapacity to hold any Ecclesiastical preferments for the future.

Sleighted
by the *Ve-*
netians.

Litteræ Leo-
nardi Don.
Duci Venet.
data Maii
6. 1606.

But what did the *Venetians* whilest *Paul* the sixth thundered against them in this manner? They maintained their Lawes, they detained their prisoners; They protested publickly before God and the world, against the Popes Bull, as unjust and void, made without reason, against the Scriptures, and the doctrine of the holy Fathers, and the Canons of the Church, to the high prejudice of the secular power, with grievous and universal scandal. They commanded
all

all the Clergy within their Dominions to celebrate divine offices duly, notwithstanding the Popes interdict. And at the same time they published and licensed sundry other writings, tending to the lessening of the Papal greatnesse, and Jurisdiction of the Roman Court. Sundry of which books were condemned by the Inquisition, as containing in them many things temerarious, calumnious, scandalous, seditious, schismaticall, heretical, and the reading and keeping of them was prohibited under pain of excommunication.

Pad. Paolo
Historia
partic. l. 4.
p. 141.

During this contestation the Duke of Venice died; And the Pope prohibited the Venetians to proceed to the election of a new Duke. The Senate, notwithstanding the Popes Injunction or Inhibition, proceed to the election; The people are unanimous, and resolute to defend their just liberties. The Clergy celebrate divine Offices duly, notwithstanding the Popes interdict: Only one order with some few others adhered to the Pope, and for their labour were banished out of the Venetian City and Territories. The Pope called home his Legate from Venice: The Venetians revoked their Ambassadors ordinary and extraordinary from Rome. The Pope incited the King of Spain to make war against the Republick, to reduce them to the obedience of the Church. And the Venetians being aided by their Roman

Idem, l. 1:
p. 24.

Venetian
doctrines.

Pad. Paol
Hist. part.
l. 4. p. 145.

man Catholick allies, armed themselves for their own defence.

It is not unworthy of our observation, what was the doctrine of the *Venetian* Preachers and Writers in those daies, as it is summed up by an eye-witnesse, and a great Actor in those affaires; That God had constituted two Governments in the world, the one spiritual, the other temporal, either of them Sovereign in their kind, and independent the one upon the other. That the care of the spiritual was committed to the Apostles and their Successors. Not to Saint Peter as a single Apostle, and his Successors alone, either at Antioch, or at Rome, as if all the rest were but Delegates for term of life, wherein they agreed justly with us, that as each particular Bishop is the respective Head of his proper Church; So Episcopacy, or Saint Cyprian's *unus Episcopatus* the conjoynt body of Bishops is the Ecclesiastical head of the militant Church. That the care of the temporal Government is committed to Sovereign Princes. That these two cannot intrude the one into the office of the other. That the Pope hath no power to annull the Lawes of Princes in temporall things, nor to deprive them of their Estates, nor to free their Subjects from their allegiance: That the attempt to depose Kings was but 520 years old, contrary to Scriptures, contrary to the examples of Christ and of the Saints: That to teach, that in case of controversie between the
Pope

Pope and a Prince, it is lawful to persecute him by treachery or force; Or that his rebellious Subjects may purchase by it remission of sins, is a seditious and sacrilegious doctrine. That the exemption of Ecclesiastical persons and their goods from the secular power is not from the Law of God, but from the piety of Princes, sometimes more, sometimes lesse, according to the exigence of affairs. That Papal exemptions of the Clergy are in some places not received at all, in other places but received in part; And that they have no efficacy or validity further then they are received. That notwithstanding any exemption, Sovereigns have power over their persons and goods, whensoever the necessity of the Commonwealth requires it. That if any exemption whatsoever be abused to the disturbance of the publick tranquillity, the Prince is obliged to provide remedy for it. That the Pope ought not to hold himself infallible, nor promise himself such divine assistance: That the authority to bind and loose is to be understood *claves non errante*. That when the Pope hath censured or excommunicated a Prince, the Doctors may lawfully examine whether his key have erred or not: And when the Prince is certified that the Censure against him or his Subjects is invalid, he may and ought for the preservation of publick peace to hinder the execution thereof, preserving his Religion and convenient reverence to the Church. That the excommunication of a multitude, or a Prince that commands much people, is pernicious and sacrilegious. That the

A Just Vindication

new name of blind obedience lately invented was unknown to the ancient Church, and to all good Theologians, destroyes the essence of virtue, which is to work by certain knowledge and election, exposeth to danger of offending God, excuseeth not the errors of a spiritual Prince, and was apt to raise sedition, as the experience of the last forty years had manifested. What conclusion would have followed from these premisses, if they had been thoroughly pursued, it were no difficult matter to determine.

Nicomaco
Philal. aver-
timent xvi
pag. 22.

It may perhaps be objected, That the Venetian State had these priviledges granted to them by the Popes, and Court of Rome. And it is thus far true, That they had five Bulls, Two of *Sixtus* the fourth, one of *Innocent* the eighth, one of *Alexander* the sixth, and the last of *Paul* the third. But it is as true, that none of these Bulls concerned any of the matters in debate, but only the punishment of delinquent Clergymen. It hath been an old subtilty of the Popes, that when the Emperours or Countels had granted any Ecclesiastical priviledge or honour to any person or Society, which it was not in their power to crosse; Yet straightway their Bulls did flie abroad, either of concession, or confirmation; or Delegation, to make the world believe that nothing could be done without them.

But how or by what right did the Venetians claim these priviledges? By virtue of any

any Papal Bulls? No such thing. But by the Law of nature as an essential right of Sovereignty, and by a most ancient custome of 1200 years, that is, a thousand years before the first Bull was dated, as appeareth by a letter of the Senate of *Venice* to the *Venetian* Commons their Subjecti.

*Raccolta
degli Scrit-
ti, &c.
pag. 9.*

Secondly, it may be urged further, that the *Venetians* did not make a total and perpetual separation from *Rome*. No more did *England*, if by *Rome* we understand the Church of *Rome*. First not total, but onely in particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches which were their first founders. Which are the very words of our Canon. Secondly, not perpetual, but onely temporary, untill their errors be amended, and abuses reformed.

Can. 30.

But if by *Rome* be understood the Roman Court, the case of *Venice* and *England* is much different: They acknowledge themselves to be justly subject to the Roman Patriarch; we do altogether deny his Jurisdiction over us; The vicinity of *Venice* renders them capable of receiving Justice from *Rome*, which the distance of *England* being so far divided by Seas and Mountains doth hinder us of. Their interest invited them to a conjunction with *Rome*: Ours is against it. But yet they take care for their own security and indemnity, that the Papacy which they submitted unto should

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be toothlesse, not able to bite them or injure them. If that Papacy which they sought to have obtruded upon us, had been such an one, in probability they had not so quickly been turned out of doores.

Lastly, it may be objected, that the points in difference between Rome and us be many more, then those which were in difference between *Rome* and *Venice*. This indeed is most true; But not much material. More or lesse do not vary the kind or nature of any thing. Whether their liberties or ours be of greater or lesser extent, is impertinent to our question. If *Venice* ought to enjoy their ancient liberties and customes, then so ought *England* also. If the *Venetians* ought to be the last Judges of their own pretensions, what their ancient customes and liberties were, then so ought we to be likewise. Not the Pope and his conclave of Cardinals, which if *Venice* would not endure, we have much lesse reason to endure it. What Canons have been received with us, and how far, and where our shoe did wring us, none knew so well as our selves.

The chiefest difference between our case and that of *Venice*, seems to me to be this, That we were put to an after-game, so were not they: They preserved their rights and priviledges then in question intire from the usurpations of the Roman Court; we were necessitated in part to retriue

retrive and vindicate ours. Theirs was properly a Conservation; Ours a Reformation. They might thank the unanimity of their Subjects, the loyalty of their Clergy, and their nearer acquaintance with Rome for their advantage, we might blame the Barons Wars, and the contentions between the houses of York and Lancaster, and a kind of superstitious veneration of that See, occasioned by our distance and want of experimental knowledge, for our disadvantage.

But to come to the Catastrophe of this business. Both sides grew weary of the difference. Christian Princes mediated a Peace, especially the most Christian King. The *Venetians* were contented to shake hands and be friends with the Court of Rome; But without any reparation, or submission, or confession, or so much as a request to be made on their parts. They refused to abrogate any one of the Laws complained of. They refused (though the Pope did presse it most instantly, and the Cardinal *Jouise* did assure them that it would be more acceptable to his Holiness than the conquest of a Kingdome,) to readmit the banished persons into their City. They refused to take an absolution from Rome; Yea, they were so far from it, that when the Ambassadour intreated that the Duke might receive a benediction from him publicly in the Church, both the Duke

The conclusion of the *Venetian* troubles.

and the Senate did resolutely oppose it, because it had some appearance of an absolution.

A man would have thought that this might have sufficed to have taught the Popes more wit, then to have hazarded their reputation again, so near home, where they are so well known; But it did not. They adventured after this to make their spiritual weapons subservient to their temporal ends, by excommunicating and interdicting the Duke of *Parma* and his Subjects, with little better success.

I expect that it should be alledged, That all the Projects of *France* for a new Patriarchate, and the memorials of *Castile*, and the bleedings of *Portugal*, &c. were but personated shewes, to terrifie Popes into their duties; And in part I do believe it to be true. But withal they must yeeld thus much unto me, that it is for children to be terrified with grimaces, or painted vizards, which signifie nothing. To work upon wise men there must be probable and just grounds, that such things as are pretended may be, and will be effected. We have said enough to shew that all Christian Nations do challenge this right to themselves, to be the last Judges of their own liberties and priviledges.

CHAP. VIII.

*That the Pope and the Court of Rome
are most guilty of the Schisme.*

I Am come now to my sixth and last proposition, which brings the Schisme home to their own doores. Wherein I

endeavour to demonstrate that the Church of Rome, or rather the Pope and the Court of Rome are causally guilty both of this Schisme, and almost all other Schisms in the Church. First, by seeking to usurpe an higher place and power in the body Ecclesiastical, then of right is due unto them. Secondly, by separating, both by their doctrines and censures, three parts of the Christian world from their Communion, and as much as in them lies from the communion of Christ. Thirdly, by rebelling against general Councils. Lastly, by breaking or taking away all the lines of Apostolical Succession except their own.

The Church but principally the Court of Rome is guilty of schisme.

First, they make the Church of Rome to be not onely the sister of all other Patriarchal Churches, and the Mother of many Churches, but to be the Lady and Mistres of all Churches; To be not onely a prime stone in the building, but the very foundation; to be not onely a respective foundation, in relation to this or that time and place, (as all the Apostles and all Apostoli-

I Cor. 3.
II.

cal Churches were, and all good Pastours and all orthodox Churches are,) but to be an absolute foundation for all persons, in all places, at all times, which is proper to Christ alone: *Other foundation can no man lay then that which is laid, even Jesus Christ.* They hold it not enough for the Roman Church to be a top-branch; unless it may be the root of Christian Religion, or at least of all that Jurisdiction which Christ left as a Legacy to his Church. In all which claime by the Church of Rome, they understand not the essential Church, nor yet the representative Church, a Roman Synod, but the virtual Church which is invested with Ecclesiastical power, that is, the Pope with his Cardinals and Ministers. When any member how eminent soever scorns its proper place in the body, whether Natural, or Political, or Ecclesiastical, and seekes to usurpe the Office of the head; it must of necessity produce a disorder, and disturbance, and confusion, and schisme of the respective members. This is one degree of schismatical pravity.

But in the second place, we presse the crime of schisme more home against the Court of Rome, then against the Church of Rome. It is the Court of Rome which partly by obtruding new Creeds, and new Articles of faith, And especially this doctrine, That it is necessary for every Christian under pain of damnation to be subject

to the Bishop of Rome, as the vicar of Christ, by divine Ordination upon earth, (that is in effect, to be subject to themselves who are his Council and Officers,) yea, even those who by reason of their remotenesse never heard of the name of Rome, without which it will profit them nothing to have holden the Catholick faith intirely. And partly by their tyrannical and uncharitable censures have separated all the *Asiatick, African, Grecian, Russian,* and Protestant Churches from their communion, not onely negatively in the way of Christian discretion, by withdrawing of themselves for fear of infection; But privatively and authoritatively by way of Jurisdiction, excluding them (so much as in them lieth) from the Communion of Christ; Though those Churches so chased away by them contain three times more Christian souls then the Church of Rome it self, with all its dependents and adherents; many of which do suffer more pressures for the testimony of Christ, then the Romanists do gain advantages, and are ready to shed the last drop of their blood for the least known particle of saving truth. Onely because they will not strike topsaile to the Popes crosse-keys, nor buy indulgences and such like trinkets at Rome. It is not passion, but action that makes a schismatick, to desert the communion of Christians voluntarily, not to be thrust away

from it unwillingly. For divers years in the beginning of *Queen Elizabeths* reign, there was no Recusant known in England; But even they who were most addicted to Roman opinions, yet frequented our Churches and publick assemblies, and did joyn with us in the use of the same prayers and divine offices, without any scruple, untill they were prohibited by a Papal Bull; meerly for the interest of the Roman Court. This was the true beginning of the schisme between us and them. I never yet heard any of that party charge our Leiturgy with any error, except of omission, that it wanted something which they would have inserted; I wish theirs as free from exception, to trie whether we would shunne their communion in the publick service of God. Charity would rather chuse to want something that was lawful, then willingly to give occasion of offence.

But to lay the axe to the root of schisme in the third place; the Papacy it self, (*qualis*;) as it is now maintained by many, with superiority above general Councils, and a Sovereign power paramount to confirm or reject their sanctions, is the cause either procreant, or conservant, or both, of all or the most part of the schismes in Christendom. To rebell against the Catholick Church and its representative a general Council, which is the last visible Judge of controversies, and the supreme Ecclesiastical

astical Court, either is grosse schisme, or there is no such thing as Schismaticall pravity in the world.

I say, the Bishops of Rome have exempted themselves and their Court from the Jurisdiction of an Oecumenical Council, and made themselves Sovereign Monarches, and universal Bishops, *in totius Ecclesie injuriam & discissionem*, to the wrong of the Church, and venting it in peeces, making themselves to be not onely fathers, but *Masters* of all Christians. It is the Popes own expression in his letter to his Legate.

Contrary to their former professions of obedience to the Ecclesiastical constitutions of Sovereign Princes and Synods; contrary to their own Lawes which allow appeales from them so often as they transgress the Canons, and subject them to the judgement of the Church, not onely in case of heresie, which the most of themselves do acknowledge, and Schisme and Simony, which many of them do not deny: But also of Scandal; contrary to so many appellations from them by Christian Princes, Prelates, and Universities; contrary to the judgement of almost all the *Cisalpine* Prelats, *Spanish, French, Dutch*, assembled at *Trent*; contrary to the decrees of so many Councils both general and provincial, which have limited their Jurisdiction, set down the true reason of their greatnesse, rescinded their sentences, forbidden appeales to them,

con-

Gregor.

Hist. Con.
Trid. l. 7.
an. 1563.

C. de Capitulis dist.
10.

C. Nos si incompetenter.

2 Qu 7.
Gloss. C. si Papa dist.
40. &
C. Nemo. 9.
qu. 3.

Hist. Conc.
Trid. l. 7.
10.

Conc. Const.
Sess. 4.

Con. Basil.
Sess. 2.

condemned their pragmatistical intrusion of themselves into the affairs of other Churches, as being contrary to the decrees of the Fathers which have judged them and condemned them of heresie, schisme, Simony, and other misdemeanours, which have deposed them by two or three at a time, whereof one was undoubtedly the true Pope. These things are so obvious in the history of the Church, that it were vanity and lost labour to prove them. But especially contrary to the Council of *Constance* and *Basile*, which have decreed expressly, that the Pope is subject to a General Council. as well in matter of faith, as of manners; So as he may not only be corrected; but if he be incorrigible, be deposed. This is determined in the Council of *Constance*, and confirmed in the Council of *Basil*, with this addition, that *whoever opposeth this truth pertinaciously, is to be reputed as heretick.*

This decree of the Council wounds deep, because it is so evident and clear in the point, and because the decrees thereof were confirmed by *Martine* the sixth. But the Romanists have found out a salve for it, That *Pope Martine* confirmed only those decrees which were conciliarly made, that is, with the influence and concurrence of the Pope; As the condemnation of *Wickliff* and *Hurt*; But not those decrees which were not conciliarly made, that is, which wanted the influence of the Pope; As the decree of the

Superi-

superiority of the Council above the Pope. Which ought to be understood (say they) only of dubious Popes.

For clearing of which doubt, I propose several considerations:

First, that it is not material whether the decree were confirmed by the Pope or not. There are two sorts of confirmation, *Approbative*, and *Authoritative*; Approbative confirmation is by way of testimony, or suffrage, or reception. And so an inferior may confirm the acts of his Superior. As it is said, that *the Saints shall judge the world*, that is, by their doctrine, by their example, and by their approbative suffrage, *Just are thou, O Lord, and right are thy judgments.* Authoritative confirmation implies either a sole Legislative power, or at least a negative voice: Whereas it is as clear as the light, that the Popes anciently never had either the one or the other in the Catholick Church. We meet with no confirmations of General Councils of old, but only by the Emperours, whereby Ecclesiastical Sanctions became civil Lawes, and obliged all the Subjects of the Empire under a civil pain. Wherefore it is no matter whether the Pope confirmed the decree or not, whether it was confirmed or unconfirmed; it lets us see what was the Catholique tradition, and the sense of the Christian world in those times; And we abide in it.

The Popes confirmation of Councils of no value.

Secondly,

The decree
of the
Councils
superiority
above the
Pope most
conciliarly
made.

Secondly, I reply, that this decree was most conciliarly made, and consequently confirmed, made after due examination and discussion, without any under-hand packing or labouring for voices, made in the publick Session, not privately before the Deputies of the Nations. For clearing whereof take this Dilemma. Either this decree and the subsequent Acts done by vertue and in execution thereof, were conciliarly made and confirmed, and consequently valid in the judgment of the Romanists themselves, or unconciliarly made, and consequently according to their rules not confirmed, but invalid. If they grant, that this decree was conciliarly made and confirmed, then they grant the question. If they say it was not conciliarly made nor confirmed, then *Martine* the fifth was no true Pope, but an intruder and an usurper, and consequently his confirmation was of no value; for in pursuance of this very decree, and by virtue of that doctrine therein delivered, the other Popes were deposed, and he was created Pope.

But to clear that passage from all ambiguity. There were in the Council of *Constance* the Deputies of the Nations as a selected Committee to examine matters, and prosecute them, and prepare them for the Council. What was done apart by these Deputies, by this Committee, was not conciliarly done. But what was done in the publick

publick Session of the Council, upon their report, that was conciliarly done. Now so it was, that one *Falkemberch* had published a dangerous and seditious book, which had been complained of to the Deputies of the Nations, and condemned by them: But the conjoynt body of the Council in their publick Session had not condemned it conciliarly. Yet after the Council was ended, and after the Cardinal had given the Fathers their Conge, or leave to depart, and dismissed them with *Dominus ite in pace, Fathers depart in peace*; And the Fathers had answered, *Amen*. When there was nothing left to do, but to hear a Sermon and be gone, The Ambassadors of *Polonia* and *Lituania*, very unseasonably pressed the Pope to condemn that book, alledging, that it had been condemned by the Deputies of the Nations. To which the Pope answered, That *he confirmed onely those Acts of the Council which were conciliarly made*. That is to say, Not the Acts of the Deputies of the Nations apart, but the publick Acts of the whole Session. This is the genuine sense of that passage which bears its own evidence along with it, to every one that doth not wilfully shut his eyes. This was an accidental emergent, after the Synod was ended, and not the solemn purposed confirmation.

And concerning that glosse, that the decree is to be understood onely of dubious Popes;

Popes, or Popes whose title is litigious. As it contradicts the text it self, which includes all dignitaries whatsoever, of whatsoever title peaceable or litigious, Popes or others; So it is sufficiently confuted by the very execution of the decree. An inferiour may declare the lawful right of his Superiour, and where there are divers pretenders, establish the possession in him that hath the best title. But to make right to be no right, to turn all pretenders right or wrong out of possession, onely by the last Law of *Salm Papuli*, &c. for the tranquillity of the people, This is a prerogative of Sovereign Princes, and a badge of Legislative authority. This was the very case of the Council of *Constance*; They turned out all pretenders to the Papacy, the right Pope and the Antipopes all together. Some of them indeed by perswasion, but such perswasion as might not be resisted; And one whose title seemed clearest, which rendered their perswasions as unto him ineffectual, by plain power. For so the Council with the consent and concurrence of Christian Princes, did find it expedient for Christendome.

Lastly, though the Popes do not abolish the order of Bishops, or Episcopacy in the abstract, yet they limit the power of Bishops in the concrete at their pleasure, by exemptions and reservations, holding themselves to be the Bishops of every particular See in the world;

world, during the vacancy of it; And making all Episcopal Jurisdiction to flow from them, and to be founded in the Popes Lawes; Because it was but delegated to the rest of the Apostles for term of life; But resided soly in Saint *Peter* as an Ordinary, to descend from him to his Successours Bishops of Rome; And to be imparted by them to other Bishops as their Vicars or Coadjutors, assumed by them into some part of their charge. By this account the Pope must be the universal or onely Bishop of the world. The keyes must be his gift, not Christs: And all the Apostles except Saint *Peter*, must want their Successours in Episcopal Jurisdiction. What is this but to trample upon Episcopacy, and to make them equivocal Bishops, to dissolve the primitive bonds of brotherly unity, to overthrow the discipline instituted by Christ, and to take away the line of Apostolical Succession?

The name of Oecumenical or universal Bishop is taken in three senses, one without controversie lawful, one controverted whether lawfull or unlawfull; And one undoubtedly unlawful and Schismatical. In the first sense an universal Bishop signifies no more then an eminent Bishop of the universal Church, implying an universality of care and vigilance, but not of Jurisdiction. And in this sense all the five Protopatriarchs used more Emphatically to be called universal Bishops. Either by reason
of

of their reputation and influence upon the universal Church or their presidency in general Councils.

In another sense, an universal Bishop signifies such a Bishop who besides an universal care, doth also challenge an universal Jurisdiction. This was that title which *John* Bishop of *Constantinople* affected, *omnibus praeesse, nulli subesse*: And again, *Cuncta Christi membra sibi met supponere universalitatis appellatione*. This was that title which *Gregory* the Great and his predecessours refused, (if they did refuse any such title). For it were evident madness to fancy, that ever any General Council did offer any particular Bishop the title of the only Bishop of the world. This title in this sense was that which *Gregory* himself did condemn, as a vain, profane, wicked, blasphemous, *Anti-christian* name.

Lastly, the name of Universal Bishop may be taken exclusively, for the only Bishop of the world. Which sense was far enough from the intention either of *Gregory* the Great, or *John* of *Constantinople*, who had both of them so many true Archbishops and Bishops under them. But this sense agrees well enough with the extravagant ambition of the later Popes, and of the Roman Court, who do appropriate all original Jurisdiction to themselves. So many waies is the Court of *Rome* guilty of Schismatical pravity.

Besides

Besides these branches of Schisme, there are yet two other novelties challenged by the Popes, and their Parasitical Courtiers. But neither these nor the other yet defined by their Church, both destructive to Christian unity, both apt to breed and nourish, to procreate and conserve Schisme. An infallibility of judgment, and a temporall power over Princes either directly or indirectly. General and Provincial Councils are the proper remedies of Schisme. But this challenge of infallibility diminisheth their authority, discrediteth their definitions, and maketh them to be superfluous things. What needs so much expence? so many consultations? so much travel of so many poor old fallible Bishops from all the quarters of the world? when there is an infallible Judge at *Rome*, that can determine all questions in his own conclave, without danger of error. Was *Marcellinus* such an infallible Judge when he burned incense to Idols? Or *Liberius* when he consented to the *Arrians*, and gave his suffrage to the condemnation of blessed *Athanasius*? Or *Honorius* when he was condemned and accursed in the sixth General Council for a Monothelite? Or *John* the 22th. when he was condemned by the Theologues of *Paris*, before the King, with sound of Trumpets, for teaching that the soules of the just shall not see God untill the general resurrection? were those succeeding Popes,

conc. Si-
naiff. et
Plat. in
Marcellino.
Athanas. in
Epist. ad
Solit. vitam
agites.
Hieron. in
Chron. et
Catal. Ec-
clesi. Script.
Cmc. Gen.
6. Act. 13.
Gerson.
Sermon on
Easter-day.

R

John,

John, and *Martine*, and *Formosus*, and *Stephen*, and *Romanus*, and *Theodorus*, and *John*, and *Benedictus*, and *Sergius*, who clashed one with another, and abrogated the decrees one of another over and over again, such infallible Judges? Neither is it meer matter of fact to decree the Ordinations of a lawful Bishop to be void. To omit many others.

Cont. Si-
nuesse, et
Rom.

But howsoever they tell us, That *the first See cannot be judged*. I will not trouble myself about the credit of the authorities, whether they be true or counterfeit; Nor whether the first See signifie *Rome* alone, or any other of the five Proto-Patriarchates. Thus much is certain, that by judgment of discretion any private man may judge the Pope, and withdraw from him in his errors, and resist him if he invade either the bodies or the soules of men, as *Bellarmino* confesseth. That in the Court of Conscience every ordinary Pastour may judge him, and bind him, and loose him, as an ordinary man. And by their leaves in the external Court by coercive power if he commit civil crimes, the Emperour; if Ecclesiastical, a Councel, or the Emperour with a Councel may judge him, and in some cases declare him to be fallen from his Papal dignity by the sentence of the Law; in other cases if he be incorrigible, depose him by the sentence of the Judge. But there is a great difference between the judgment of Subjects, as those

those Ecclesiasticks were, and the judgment of a Sovereign Prince; between the judgment of a General Council, and the judgment of an assembly of Suffragans and inferiours. And yet the Roman Clergy are known to have deposed *Liberius* their own Bishop, and justly. Or otherwise *Felix* their Martyr had been a Schismatick.

Their other challenge of temporal power, whether directly or indirectly, and *in ordine ad spiritualia*, cannot chuse but render all Christians, especially Sovereign Princes, jealous and suspicious of their power, and averse from the communion of those persons, who maintain so dangerous positions so destructive to their propriety. The power of the keyes doth not extend it self to any secular rights, neither can Ecclesiastical censures alter or invalidate the Lawes of God and Nature, or the municipal Lawes of a Land. All which do injoyne the obedience of children to their Parents, and of Subjects to their Sovereignes. *Gregory* the seventh began this practice against *Henry* the fourth. But what *Gregory* did bind upon earth, God Almighty did not bind in heaven. His Papal blessing turned to a curse; And instead of an Imperial Crown, *Rodolph* found the just reward of his treason.

The best is, that they who give these exorbitant priviledges to Popes, do it with

so many cautions and reservations, that they signifie nothing, and may be taken away with as much ease as they are given.

The Pope (say they) is infallible, not in his Chamber, but in his Chair; not in the premisses, but in the conclusion; not in conclusions of matter of fact, but in conclusions of matter of faith. Not alwaies in all conclusions of matter of faith, but onely when he useth the right means and due diligence. And who knoweth when he doth that? So every Christian is infallible, if he would and could keep himself to the infallible rule which God hath given him. *Take nothing, and hold it fast.*

So likewise for his temporal power over Princes, they say the Pope, not as Pope, but as a spiritual Prince, hath a certain kind of power, temporal, but not meerly temporal; not directly, but indirectly, and in order to spiritual things. *Quo tenam vultus mutantem Protea nodo?*

CHAP. IX.

An Answer to the Objections brought by the Romanists, to prove the English Protestants to be Schismaticks.

BUt it is not enough to charge the Church of *Rome*, unlesse we can discharge our selves, and acquit our own Church of the guilt of Schisme, which they seek to cast upon us. First, they object, that we have separated our selves Schismatically from the communion of the Catholick Church. God forbid. Then we will acknowledge, without any more to do, that we have separated our selves from Christ, and all his holy Ordinances, and from the benefit of his Passion, and all hope of salvation.

But the truth is, we have no otherwise separated our selves from the communion of the Catholick Church, then all the primitive Orthodox Fathers and Doctours and Churches did long before us, that is, in the opinion of the Donatists, as we do now in the opinion of the Romanists; because the Romanists limit the Catholick Church now to *Rome in Italy*, and those Churches that are subordinate to it, as the Donatists did then to *Cartenna in Africk*, and those Churches that adhered to it. We are so

We have not separated our selves from the Catholick Church.

far from separating our selves from the communion of the Catholick Church, that we make the communion of the Christian Church to be thrice more Catholick, then the Romanists themselves do make it, and maintain Communion with thrice so many Christians, as they do. By how much our Church should make it self, as the case stands, more Roman then it is, by so much it should thereby become lesse Catholick then it is.

I have shewed before out of the Canons and Constitutions of our Church, that we have not separated our selves simply and absolutely from the communion of any particular Church whatsoever, even the Roman it self, so far forth as it is Catholick, but onely from their errors wherein they had first separated themselves from their predecessours.

To this I adde, that it was not we, but the Court of *Rome* it self that first separated *England* from the communion of the Church of *Rome*, by their unjust censures, excommunications and interdictions, which they thundered out against the Realm, for denying their spiritual Sovereignty by Divine right, before the Reformation made by Protestants.

*Eu'. Paul. 3.
apud Sand.
de Schism.
l. 1. p. 109.*

The Council of *Trent*
not general.

Secondly, we are charged with Schismatical contumacy and disobedience to the decrees and determinations of the General Council of *Trent*. But we believe that

Convent

Convent of *Trent* to have been no General, nor yet Patriarchal; no free, no lawfull Council. How was that General, where there was not any one Bishop out of all the other Patriarchates, or any Proctours or Commissioners from them, either present, or summoned to be present, except peradventure some titular *European* Mock-Prelates without cures, such as *Olaus Magnus* intituled Archbishop of *Upsala*; Or Sir *Robert* the Scottish-man intituled Archbishop of *Armagh*? How was that General, or so much as Patriarchal, where so great a part of the West was absent, wherein there were twice so many *Episcopelles* out of *Italy*, (the Popes professed Vassals, and many of them his hungry Parasitical pensioners,) as there were out of all other Christian Kingdoms and Nations put together? How was that general wherein there were not so many Bishops present at the determination of the weightiest controversies, concerning the rule of faith, and the exposition thereof, as the King of *England* could have called together in his own Dominions at any one time upon a moneths warning? How was that general, which was not generally received by all Churches? even some of the Roman Communion not admitting it.

We have seen heretofore how the *French* Ambassadour in the name of the King and Church of *France* protested against it. And

untill this day though they do not oppose it; but acquiesce, to avoid such disadvantages as must insue thereupon; yet they did never admit it. Let no man say that they rejected the determinations thereof onely in point of discipline, not of doctrine; for the same Canonical obedience is equally due to an acknowledged General Councell in point of discipline, as in point of Doctrine.

Nor free.

Sleid. l. 17.

*Hist. Con.
Trid.*

Nor law-
full.

And as it was not General, so neither was it free, nor lawfull. Not free, where the place could afford no security to the one party, where the accuser was to be the Judge, where any one that spake a free word had his mouth stopped, or was turned out of the Councel, where the few Protestants that adventured to come thither, were not admitted to dispute, where the Legates gave auricular Votes, where the Fathers were noted to be guided by the spirit sent from Rome in a male, where divers not only new Bishops, but new Bishopricks were created, during the sitting of the Convent, to make the *Papalins* able to over-vote the *Tramontains*.

Nor yet lawfull in regard of the place, which ought to have been in *Germany*. *Altor debet rei forum sequi*. A guilty person is to be judged in his Province. And the cause to be pleaded where the crime was committed. And likewise in regard of the Judge. In every Judgment there ought to be

be four distinct persons; The accuser, the witness, the guilty person, and the Judge. But in the Council of *Trent* the Pope by himself or his Ministers acted all these parts himself. He was the right guilty person, and yet withall the accuser of the Protestants, the witness against them, and their Judge. Lastly, no man can be lawfully condemned before he be heard. But in this Council the Protestants were not allowed to propose their case, much lesse to defend it by lawful disputation. *Sleid. l. 23.*

Thirdly, it is objected, and here they think they have us sure locked up, that we cannot deny but that the Bishop of Rome was our Patriarch, and that we have rebelled against him, and cast off our Canonical obedience in our Reformation. We have not sub-
tracted our obedience from our lawful Patriarch.

To this supposed killing argument I give three clear solutions.

First, That the *British* Islands neither were, nor ought to be subject to the Jurisdiction of the Roman Patriarch, as hath been sufficiently demonstrated in my third conclusion. For all Patriarchal Jurisdiction being of humane institution, must proceed either from some Canon or Decree of a General Council, or of such a Provincial Council as had power to oblige the *Britons* to obedience; Or from the grant or concession of some of their Sovereign Princes, or from the voluntary submission of a free people; Or lastly, from custom and prescription.

If

If they had any such Canon, or Grant, or submission, they would quickly produce it; but we know they cannot. If they plead custome and prescription immemorial, the burthen must rest upon them to prove it. But when they have searched all the Authors over and over who have written of *British* affaires in those daies, and all their Records and Registers, they shall not be able to find any one Act, or so much as any one footstep, or the least sign of any Roman Patriarchal Jurisdiction in *Britaigne*, or over the *Britons* for the first 600 years. And for after-ages the Roman Bishops neither held their old Patriarchate, nor gained any quiet settled possession of their new Monarchy.

Secondly, I answer, That Patriarchal power is not of Divine right, but humane institution. And therefore may either be quitted or forfeited, or transferred. And if ever the Bishops of *Rome* had any Patriarchal Jurisdiction in *Britaigne*, yet they had both quitted it, and forfeited it over and over again, and it was lawfully transferred. To separate from an Ecclesiastical authority which is disclaimed and disavowed by the pretenders to it, and forfeited by abuse and rebellion, and lawfully transferred, is no Schisme.

The Roman
Bishops
quitted
their Patri-
archate.

First, I say they quitted their pretended Patriarchal right, when they assumed and usurped to themselves the name and thing of universal
universal

universal Bishops, Spiritual Sovereigns, and sole Monarchs of the Church, and masters of all Christians. To be a Patriarch and to be an universal Bishop in that sense are inconsistent, and imply a contradiction *in adjecto*; The one professeth humane, the other challengeth divine institution. The one hath a limited Jurisdiction over a certain Province, the other pretendeth to an unlimited Jurisdiction over the whole World. The one is subject to the Canons of the Fathers, and a meer executour of them, and can do nothing either against them, or besides them; The other challengeth an absolute Sovereignty above the Canons, besides the Canons, against the Canons, to make them, to abrogate them, to suspend their influence by a *non-obstante*, to dispence with them in such cases wherein the Canon gives no dispensative power, at his own pleasure, when he will, where he will, to whom he will. Therefore to claime a power paramount and Sovereign Monarchical Royalty over the Church, is implicitly and in effect to disclaime a Patriarchal Aristocratical dignity.

So, *Non tellus cymbam, tellurem cymba reliquit*: It was not we that deserted our pretended Patriarch, but our pretended Patriarch deserted his Patriarchal office. So long as the Popes contented themselves with Patriarchal rights, they soared no higher then to be the executours of the Canons.

When

Gal. c. 1.
24. qu. 1.

When *Acacius* complained that he was condemned by the sole authority of the Roman Bishop, without a Synodal sentence, *Gelasius* the Pope then pleaded for himself, that *Acacius* was not the beginner of a new error, but the follower of an old; And therefore it was not necessary that a new Synodal sentence should be given against him, but that the old should be executed. Therefore (saith he) I have onely put an old sentence in execution, not promulged a new.

And forfeited it by rebellion.

Cons. Constant. c. 39.
Con. Nicen.
c. 7.

Conc. Chalced.
c. 25.

And as they had quitted their title, so likewise they had forfeited it, both by their Rebellion, and by their exorbitant abuses. First, by their notorious rebellion against General Councils. The authority of an inferior ceaseth when he renounceth his loyalty to his superiour, from whom he derives his power. A General Council is the Supreme Ecclesiastical power, to which Patriarchal power was alwayes subordinate and subject: General Councils with the consent of Sovereign Princes have exempted Cities and Provinces from Patriarchal Jurisdiction, with the consent of Sovereign Princes they have erected new Patriarchates, as at *Hierusalem* and *Constantinople*. And made the Patriarch of *Constantinople* equal in all priviledges to the Patriarch of old Rome.

Against this Supreme Ecclesiastical power the Popes have not onely rebelled themselves, but have compelled all Bishops under

under their Jurisdiction to take an oath to maintain their rebellious usurpations. When a President of a Province shall rebel against his Sovereign Prince, and seek to usurpe the whole Empire to himself, and impose new oathes of allegiance upon his fellow-subjects, it is not Treason, but Loyalty in them to thrust him by the head and shoulders out of the gates of their City. When a Steward not imposed upon the family by the Master, but chosen in trust by his fellow-servants, during their Masters absence, shall so far violate his trust, that he will by force make himself the Master of the family, and usurpe a dominion, not only over his fellowes, but over his Masters Wife and Children, and oblige his fellow servants to acknowledge an independent Sovereign power in him; it is not want of duty, but fidelity to substract their obedience from him.

This is our case with the Roman Bishops. They have sought to usurpe a dominion over the Catholick Church, the spouse of Christ, and all their fellow-servants. Then ought not all good Christians to adhere to the Catholick Church, and desert a schismatical Patriarch? They have rebelled against the representative Church, a general Council, should we involve our selves in their rebellion and perjury, by swearing to maintain and make good their usurpations? I confesse, inferiours are not competent Judges

Judges of their Superiours. But in this case of a subordinate Superiour, and in a matter of Heresie or Schisme already defined by the Church, the sentence of the Judge is not necessary, the sentence of the Law, and the notoreity of the fact are sufficient. It is not we that judge him, but the Councils of *Constance* and *Basile*.

*Gers. 3. part.
Apol. de
conc. Con-
stan.*

Neither could our Ancestours hope to have a General Council suddenly, whilest so great a part of Christendom was under the *Turk*; nor a free Occidental Council, whilest the usurper had all Ecclesiasticall power in his hands. What remained then, but to reform themselves? According to the sage advice of *Gerson*, *I see that the Reformation of the Church will never be effected by a Council, without the presidence of a well affected, wise and constant guide. Let the Members therefore provide for themselves throughout the Kingdomes and Provinces, when they shall be able, and know how to compassse this work.*

And by
abuse.

Moreover, as they have forfeited their power by their Rebellion, so they have most justly also by their rapine, extortions, and terrible and exorbitant abuses, the most shamefull abuses that ever were committed by persons trusted. To passe by the hundred grievances of *Germany*, the complaints and protestations, and pragmatical Sanctions of *France*, the memorials of *Castile*, the sobbes of *Portugal*, and to confine my discourse

course to the sufferings of our own Nation, which have been more particularly related already in this Treatise, when I set down the grounds of our Reformation.

They robbed the King of his investitures of Bishops, which *Henry* the first protested to the Pope himself by his Proctour, that he would not lose for his Kingdome, and added threatenings to his protestations. Yet to gratifie *Anselme*, who (though otherwise most deserving) was the first violater of the ancient customes of our Kingdome in that kind, he waved his right. But soon after resumed it, made *Rodolph* Bishop of *London* Archbishop of *Canterbury*, and invested him by a crozier and a ring. The like he did to many others.

Matth. Par.
an. 1103.

Idem. an.
1107.

An. 1113.

They robbed the King of his patronages, by their collations, and provisions, and expectative graces. Two or three or ten benefices were not accounted sufficient for a Roman Courtier in those daies, but an hundred, or two hundred, or more. They robbed him of the last appeales of his Subjects, contrary to the ancient Lawes of *England*. They fomented the rebellion of his own Subjects at home, sometimes of his Barons, sometimes of his Bishops, playing fast and loose on both sides for advantage. They dis-inherited him of his Crown. They gave away his Kingdome for a prey to a forreign Prince. They incited strangers to make war against him. And they themselves by meer collusion

Nich. Clem.
de corrupto
Ecclesiæ
statu.

Matth. Par.
ris. an.
1164.

collusion and tricks had well near thrust him out of his Throne.

They robbed the Clergy in a manner of their whole Jurisdiction by their exemptions, and reservations, and visitations, and suspensions, and appeales, and Legantine Courts, and Nunciatures, thrusting their sickles into every mans harvest. They robbed them of their estates and livelihoods, by their provisions, and pensions, by their coadjutorships, and first-fruits, and tenths, by the vast charge of their investitures, and palles, and I know not how many other sorts of exactions, and arbitrary impositions. The most ancient of these was the pall, whereof our King *Cannus* complained long since at Rome, and had remedy promised.

Bayon. to.
11. An.
1027.

They robbed the Nobility and Commonalty many waies, as hath been formerly related. If all these were not a sufficient cause of forfeiture, certainly abuse did never forfeit office.

Patriarchal
power was
lawfully
transferred.

And though they had sometimes had a just Patriarchal power, and had neither forfeited it by rebellion nor abuse; Yet the King and the whole body of the Kingdome by their Legislative power substracting their obedience from them, and erecting a new Patriarchate within their own Dominions, it is a sufficient warrant for all English-men, to suspend their obedience to the one, and apply themselves to the other, for the welfare

fare and tranquillity of the whole body politick, as hath before been declared.

Thirdly, I answer, that obedience to a just Patriarch, is of no larger extent then the Canons of the Fathers do injoyne it. And since the division of *Britaigne* from the Empire, no Canons are, or ever were of force with us, further then they were received, and by their incorporation became *Britannique* Lawes. Which as they cannot, nor ever could be imposed upon the King and Kingdome by a forreign Patriarch by constraint, so when they are found by experience prejudiciall to the publick good, they may as freely by the same King and Kingdome be rejected.

The power which was rejected was not Patriarchal nor Canonical.

But I shall wind up this string a little higher; Suppose that the whole body of the Canon Law were in force in *England*, (which it never was) yet neither the Papall power which we have cashiered, nor any part of it was ever given to any Patriarch by the ancient Canons, and by consequence the separation is not Schismatical, nor any withdrawing of Canonical obedience. What power a Metropolitan had over the Bishops of his own Province by the Canon Law, the same and no other had a Patriarch over the Metropolitans and Bishops of sundry Provinces within his own Patriarchate. But a Metropolitan anciently could do nothing out of his own Diocesse, without the concurrence of the Major part of the Bishops

S of

of his Province. Nor the Patriarch in like manner without the advice and consent of his Metropolitans and Bishops.

Wherein then consisted Patriarchal authority? In ordaining their Metropolitans, (for with inferiour Bishops they might not meddle,) or confirming them, or imposing of hands, in giving the Pall, in convoking Patriarchal Synods, and presiding in them, in pronouncing sentence according to the plurality of voices. (That was when Metropolitans did not suffice to determine some emergent difficulties or differences.) And lastly, in some few honorary privileges, as the acclamation of the Bishops to them at the latter end of a General Council, and the like, which signifie not much. In all this there is nothing that we dislike or would seek to have abrogated. Never any Patriarch was guilty of those exactions, extortions, incroachments upon the civil rights of Princes and their Subjects, or upon the Ecclesiastical rights of Bishops, or of those provisions, and pensions, and exemptions, and reservations, and dispensations, and inhibitions, and pardons, and indulgences, and usurped Sovereignty, which our Reformers banished out of *England*. And therefore their separation was not any waies from Patriarchal authority.

I confesse, that by reason of the great difficulty and charge of convoking so many Bishops, and keeping them so long together

ther untill all causes were heard and determined; And by reason of those inconveniencies which did fall upon their Churches in their absence, Provincial Councils were first reduced from twice to once in the year, and afterwards to once in three years: And in proceſſe of time the hearing of appeals and ſuch like cauſes, and the execution of the Canons in that behalf, were referred to Metropolitans, untill the Papacy ſwallowed up all the authority of Patriarchs, and Metropolitans, and Biſhops. *Serpens ſerpentem niſi ederet, non fieret draco.*

Peradventure it may be urged in the fourth place, That *Gregory* the Great, who by his Miniſters was the firſt converter of the Engliſh Nation, about the ſix hundredth year of our Lord, did thereby acquire to himſelf and his Succeſſours a Patriarchal authority and power over *England* for the future. We do with all due thankfulneſſe to God, and honourable reſpect to his memory, acknowledge, that that bleſſed Saint was the chief inſtrument under God, to hold forth the firſt light of ſaving truth to the Engliſh Nation, who did formerly ſit in darkneſſe and in the ſhadow of death, whereby he did more truly merit the name of *Great*, then by poſſeſſing the chair of Saint *Peter*. And therefore whileſt the ſometimes flouriſhing, now poor, perſecuted Church of *England* ſhall have any being

Semper honos nominis, ſancti landeſq; manebunt.

Gregory the Great acquired no Patriarchal right in England by the conversion of it.

But whether this benefit did intitle Saint Gregory and his Successours to the Patriarchate of all or any part of the *British* Islands, deserves a further consideration.

First, consider, that at that time, and untill this day, half of *Britaigne* it self, and two third parts of the *Britannique* Islands did remain in the possession of the *Britons*, or *Scotish* and *Irish*, who still continued Christians, and had their Bishops and Protarchs, or Patriarchs of their own, from whom we do derive in part our Christianity, and holy orders, and priviledges. Without all controversie the conversion of the Saxons by Saint Gregory could not prejudice the just liberties of them or their Successours.

Secondly, consider, that the half of *Britaigne* which was conquered and possessed by the *Saxons*, was not soly and altogether peopled by *Saxons*. A world of *British* Christians did remain and inhabit among the Conquerours. For we do not find, either that the *Saxons* did go about to extirpate the *British* Nation, or compell them to turn Renegadoes from their Religion, or so much as demolish their Churches. But contented themselves to chase away persons of eminency, and parts, and power, whom they had reason to suspect and fear: And made use of vulgar persons, and spirits, for their own advantage. This is certain, that *Britaigne* being an Island, whither there is no access by land, all those who were transported, or could

could have been transported by Sea on such a suddain, could not of themselves alone in probability of reason, have planted or peopled the sixth part of so much land as was really possessed by the *Saxons*.

And therefore we need not wonder if Queen *Bertha* a *Galloise* and a Christian, did find a Congregation of Christians at *Canterbury* to joyn with her in her Religion, and a Church called Saint *Martin* builded to her hand; And stood in need of *Lethargus* a Bishop to order the affaires of Christian Religion, before ever Saint *Austine* set foot upon English ground. Neither did the *British* want their Churches in other places also, as appears by that Commission which the King did give to *Austine*, (among other things) to repair the Churches that were decayed. These poor subdued persons had as much right to their ancient priviledges, as the rest of the unconquered *Britons*.

Thirdly, consider, That all that part of *Britaigne* which was both conquered and inhabited by the *Saxons*, was not one intire Monarchy, but divided into seven distinct Kingdoms, which were not so suddenly converted to the Christian faith, all at once, but in long tract of time, long after Saint *Gregory* slept with his fathers, upon several occasions, by several persons: It was *Kent* and some few adjacent Counties that was converted by *Austine*. It is true, that *Eihelbert* King of *Kent* after his own conversion, did

Speed in the
Kings of
the West
Saxons,
An. 612.

Bed. l. 3.
c. 4. & 5.

Eed. l. 3.
c. 21.

Speed in the
Kings of
the East
Angles,
An. 614.

indeavour to have planted the Christian faith both in the Kingdomes of *Northumberland* and the East Angles, with fair hopes of good successe for a season. But alas, it wanted root. Within a short time both Kings and Kingdoms apostated from Christ, and forsook their Religion. The Kingdoms of the *West Saxons* and of the South *Saxons* under *Kingils* their King, who did unite the heptarchy into a Monarchy, were converted by the preaching of *Berinus* an *Italian*, by the perswasions of *Oswald* King of *Northumberland*. *Oswald* King of *Northumberland* was baptized in *Scotland*, and Religion luckily planted in that Kingdome by *Aidan* a Scottish Bishop. *Penda* King of *Mercia* was converted and christened by *Finanus* Successour of *Aidan* by the means of a marriage with a Christian Princessse of the Royal Family of *Northumberland*. *Sigibere* King of the East Angles, in whose daies, and by whose means Religion took root among the East Saxons, was converted and christened in *France*. All these Saxons which were converted by *Britons* or *Scots*, may as justly plead for their old immunities as the *Britons* themselves. We acknowledge *Saint Gregory* to have been the first that did break the ice. And yet we see how small a proportion of the inhabitants of the *British* Islands do owe their conversion to *Rome*, in probability not a tenth part.

Fourthly, consider, that the conversion of a Nation

Nation to the Christian faith, is a good ground in equity (all other circumstances concurring,) why they should rather submit themselves, or a General Council assign them to that See that converted them, then to any other Patriarchate. As was justly pleaded in the case between the Bishops of *Rome* and *Constantinople*, about the right of Jurisdiction over the *Bulgarians*. But the conversion of a Nation is no ground at all to invest their converter presently with Patriarchal authority over them, or any Ecclesiastical superiority, especially where too great a distance of place doth render such Jurisdiction uselesse and burthensome. And most especially where it cannot be done without prejudice to a former owner, thrust out of his just right meerly by the power of the sword, (as the *British* Primates were,) Or to the subjecting of a free Nation to a forreign Prelate, without or beyond their own consent. In probability of reason the *Britons* ought their first conversion to the Eastern Church, as appeareth by their accord with them in baptismal rites, and the observation of Easter; Yet never were subject to any Eastern Patriarch. Sundry of our *British* and *English* Bishops have converted forreign Nations, yet never pretended to any Jurisdiction over them.

Fifthly and lastly, consider, That whatsoever title or right *S. Gregory* did acquire, or might have acquired by his piety and deserts

towards the English Nation, it was personal, and could not descend from him to such Successours, who both forfeited it many waies, and quickly (within four or five years) after his death quitted their Patriarchate, and set an higher title to a spirituall Monarchy on foot, whilest the most part of *England* remained yet *Pagan*, when Pope *Boniface* did obtain of *Phœas* the usurper, (an usurping Pope from an usurping Emperour) to be universal Bishop.

Their Canon-shot is past, that which remains is but a small volly of Muskets. They adde, that we have schismatically separated our selves from the Communion of our Ancestours, whom we believe to be damned. That we have separated our selves from our Ecclesiastical predecessours, by breaking in sunder the line of Apostolical succession, whilest our Presbyters did take upon them to Ordain Bishops, and to propagate to their Successours more then they received from their predecessours. That our Presbyters are but equivocall Presbyters, wanting both the right matter and form of Presbyterial ordination. To extinguish the order is more schismatical, then to decline their authority. And lastly, that we derive our Episcopal Jurisdiction from the Crown.

First, for our natural Fathers, the answer is easie. We do not condemn them, nor separate our selves from them; Charity requires

quires us both to think well and speak well of them. But prudence commands us likewise to look well to our selves. We believe our fathers might partake of some errors of the Roman Church, we do not believe that they were guilty of any heretical pravity, but held alwaies the truth implicitly in the preparation of their minds, and were alwaies ready to receive it when God should be pleased to reveal it. Upon these grounds we are so far from damning them, that we are confident they were saved by a generall repentance. He that searcheth carefully into his own heart, to find out his errors, and repenteth truly of all his known sins, and beggeth pardon for his unknown errors, proceeding out of invincible or but probable ignorance, in Gods acceptation repenteth of all. Otherwise the very best of Christians were in a miserable condition. For who can tell how oft he offendeth?

We condemn not our Fathers.

The second accusation of Priests consecrating Bishops, is grounded upon a senselesse fabulous fiction, made by a man of a leaden heart and a brazen forehead, of I know not what assembly of some of our Reformers at the sign of the *Nags-head* in *Cheapside*, or rather devised by their malicious enemies at the sign of the *Whetstone* in *Popes-head-Alley*. Against which lying groundlesse drowsie dream we produce in the very point the authentick records of our Church, of things not acted in a corner, but publickly

Our Bishops not Ordained by Presbyters.

Mason de
Ministrie
Anglicano,
&c.

lickly and solemnly, recorded by publick Notaries, preserved in publick Registers, whither every one that desired to see them might have access: And published to the world in Print whilst there were thousands of eye-witnesses living, that could have contradicted them if they had been feigned. There is no more certainty of the Coronation of *Henry* the eighth, or *Edward* the sixth, then there is of that Ordination, which alone they have been pleased to question, done not by one (as *Austine* consecrated the first *Saxon* Prelates,) but by five consecrated Bishops. Let them name the person or persons; And if they were Bishops of the Church of England, we will shew them the day, the place, the persons, when and where, and by whom, and before what publick Notaries or sworn Officers they were ordained. And this not by uncertain rumours, but by the Acts and instruments themselves. Let the Reader chuse whether he will give credit to a sworn Officer, or a professed adversary; to eye-witnesses, or to malicious reporters upon hearsay; to that which is done publickly in the face of the Church, or to that which is said to be done privately in the corner of a Tavern.

These authentick evidences being upon occasion produced out of our Ecclesiasticall Courts, and deliberately perused and viewed by *Father Oldcorn* the Jesuit, he both professed himself clearly convinced of that whereof

whereof he had so long doubted, (that was the legitimate succession of Bishops and Priests in our Church,) and wished heartily towards the reparation of the breach of Christendome, that all the world were so abundantly satisfied as he himself was. Blaming us as partly guilty of the grosse mistake of many, for not having publicly and timely made known to the world the notorious falshood of that empty but far spread aspersi-
 sion against our succession. As for our parts, we believe Episcopacy to be at least an Apostolical institution, approved by Christ himself in the *Revelation*, ordained in the infancy of Christianity as a remedy against Schisme; And we blesse God that we have a clear succession of it:

Our matter and form in the Ordination of Presbyters is imposition of hands; And these words, *Receive the Holy Ghost, whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained, Be thou a faithful dispenser of the Word and Sacraments.* The form most agreeable to the Gospel, practised throughout the Occidentall Church for a thousand yeeres, approved by the Fathers, and by the most sound and learned Roman Catholics themselves. The form of Ordination in the Greek Church is no more but this, Imposition of hands, and these words, *The Divine Grace which adorns earth that which is infern, doth create [or promote] A. B. a venerable sub-Deacon to be a Deacon,*

Our matter and form in Presbyterial Ordination justified.

Deacon, or a venerable *Deacon* to be a *Priest*, or a *Priest* beloved of God to be a *Bishop*. And yet no man ever doubted of the validity of their Ordination, but they did alwaies, and do at this day execute their functions in the Roman Church; And discharge all duties belonging to their respective orders, as freely as in the Greek Church it self. We have the same matter that they have, we have the form more fully then they have, the Romanists themselves being Judges. Then what madnesse is it to allow of their Ordination, and dispute of ours, and upon a pretended defect in matter or form, to drive men to be re-ordained. Is not this to have the faith of our Lord *Iesus Christ* in respect of persons?

These grounds are over-weighty to be counterbalanced by the tradition of the patine and of the chalice. An upstart custom or innovation, confirmed but the other day by the decree of *Eugenius* the 4th. A time too late in conscience for introducing either a double matter and form, or a new matter and form of that, which is acknowledged by them, and not denied by us in a larger sense, to be a Sacrament: All we say is this, That it is not a Sacrament generally necessary to salvation, as Baptisme and the holy Eucharist are.

We derive no Jurisdiction from the Crown. Neither do we draw or derive any spiritual Jurisdiction from the Crown: But either liberty and power to exercise actually and lawfully

lawfully upon the Subjects of the Crown that habitual Jurisdiction which we received at our Ordination; Or the enlargement and dilatation of our Jurisdiction objectively, by the Princes referring more causes to the cognisance of the Church then formerly it had: Or lastly, the increase of it subjectively, by their giving to Ecclesiastical Judges an external coercive power, which formerly they had not. To go yet one step higher. In cases that are indeed spiritual or meerly Ecclesiastical, such as concern the doctrine of faith, or administration of the Sacraments, or the ordaining or degrading of Ecclesiastical persons, Sovereign Princes have (and have only) an Architectonical power, to see that Clergy-men do their duties in their proper places. But this power is alwaies most properly exercised by the advice and Ministry of Ecclesiastical persons; And sometimes necessarily, as in the degradation of one in holy Orders by Ecclesiastical Delegates.

Therefore our Law provides, that nothing shall be judged heresie with us *de voto*, but by the high Court of Parliament, wherein our Bishops did alwaies bear a part, with the assent (that is more then advice) of the Clergy in their Convocation. In summe, we hold our benefices from the King, but our offices from Christ. The King doth nominate us, but Bishops do ordain us. I touch these things more briefly now, because I have

have handled them more at large in a full answer to all the objections brought by S. N. Doctor of Theology in the twentieth Chapter of *the guide of faith*, or the third part of his Antidote against our holy Orders, our Jurisdiction, and power to expound Scripture. Which if God send opportunity, may if it be thought convenient perhaps one day see the light. The confounding of those two distinct acts intimated by me in this paragraph, that is, *nomination* or *election*, with *ordination* or consecration hath begotten many mistakes in the world on several sides. Among which the respect I owe to the *British Churches* will not permit me to passe by one untouched.

Blondel.
Apolog.
p. 368. &c.

Bishops not
subject to
nor ordained
by Pres-
byters of
old in
Britaigne.
P. 370.

I have read related, but confusedly, out of venerable *Bede*, sundry Histories by very learned authours, of *Aidan* a Scottish Bishop sent to *Oswald King of Northumberland* for the conversion of his people from the Island of *Hy*, wherein was one of the principal Monasteries of the *Northern or Ulster Scots*, &c. Sicque eum ordinantes ad predicandum miserunt, So the Colledge ordaining him Bishop sent him to preach. As likewise of *Columbanus* his coming into *Britaigne*, where he had assigned unto him the Island *Hy* or *Iona*, for the building of a Monastery. Habere autem solet ipsa insula rectorem semper Abbatem Presbyterum, cujus juri & omnis Provincia, & ipsi etiam Episcopi ordine inusitato debeant esse subjecti. That Island used to have a Government an Abbat a Presbyter,

to whose jurisdiction both the whole Province, and the Bishops themselves by an unusual order ought to be subject. These testimonies they account so clear as to be able to enlighten the dullest eye. And hence they conclude, not onely that Presbyters may ordain Bishops, and be their spiritual Governours, but that it was *communis quodammodo Anglicanorum omnium regula*, a common rule of all the English in a manner, that Bishops being Monks should be subject to their Abbats. P. 367.

P. 371.

I honour Bede as the light of his age, who justly gained to himself the name of Venerable throughout the Occidental Church. And I doubt not but he writ what he heard. But certainly he could not have such clear distinct knowledge of particular circumstances as they who have been upon the place, and seen the records thereof.

First, there is a great mistake in the person; Columba and Columbanus lived both in the same age, but Columbanus was much the younger, who propagated Christian Religion much, but it was in other parts of the world. It was not Columbanus but Columba that converted the British Scots, and founded both the Bishoprick of Derry by another name, and the Abby of Derry. And likewise the Bishoprick of the Isles in Scotland, and the Abby of Iona, he whom the Irish call to this day Columkill, *quia multarum cellarum Pater*, (as his own Scholar gives the reason in the description of his life,) because
he

he was the Father or founder of many Churches or Celles.

Secondly, they confound the places, the Abby of Derry or Derrimagh, *quod lingua Scotorum significat campum roborum*, (saith Bede,) which in Irish (that was the ancient Scottish) signifies a field or plain of Oakes, which was indeed situated in the territories of the Northern Ulster Scots, with the Abby of Iona situated in Britaigne.

Thirdly, they confound the actions, mission which is no more then nomination or election, with Ordination or consecration. Who so proper to chuse a Bishop as the Chapter? So was that Convent until the Reformation, Who so proper to Ordain as the Bishop? For neither Derry nor the Isles, did ever want a Bishop from their first conversion. So, *referendo singula singulis*, the words of Bede are plain, the Chapter named, and the Bishop Ordained.

Fourthly, they mistake the subjection. The Abbat was the Lord of the Manour, and so the Bishop was subject to the Abbat *in temporalibus*. But the Abbat was every where subject to the Bishop *in spiritualibus*, who did annually visite both the Abby and the Abbat, as by the visitation-rolles and records, (if these intestine wars have not made an end of them) may appear. You see upon what conjecturall grounds Criticks many times build new paradoxes, which one latent circumstance being known, is able to disperse

disperse and dissipate, with all their probable presumptions. If it had not been thus, It is no new thing for an Abbat to challenge Episcopal Jurisdiction, or to contend with his Bishop about it. What is this to meer Presbyters, *qua sales*?

Lastly, they contradict Venerable Bede. He saith it was *ordine inusitato*, by an *unusuall* order. They say it was in a manner the common rule of all the English. And this they say upon pretence of a decree of the Council of Hereford, that such Bishops as had voluntarily professed Monkeny, should perform their promised obedience. Which is altogether impertinent to their purpose. Doth any man doubt whether Bishops might freely of their own accord enter into a religious Order? or that they were not as well obliged to perform their vow as others? Some Emperours have done the same. Yet no man will conclude from thence, that Emperours are inferiour to Abbats.

Such mistakes are all their instances, except they light by chance upon an unformed Church, before it were well settled. As if a man should argue thus; There have been no Bishops in Virginia during the Reigns of King James and King Charles, therefore the Clergy there were Ordained by Presbyters. We know the contrary, that they had their Ordination in England. So had the Clergy in unformed Churches, forreign Ordination.

Unformed Churches no fit president.

This is part of that which we have to say for a proper Patriarchate, and for our exemption from the Jurisdiction of the Roman Court, from which our separation is much wider then from the Roman Church. Other differences may make particular breaches, but the Roman Court makes the universal Schisme between them and all the rest of the Christian world, and hath been much complained of, and in part shaken off by some of their own communion. I could wish with all my heart that they were as ready to quit their pretended prerogatives, which not we alone, but all the world except themselves, and a great part of themselves privately, so condemn, as we should be to wave our just priviledges, and if need were to sacrifice them to the common peace of Christendome.

This was a more noble and a more speedy way to a re-union, then a Pharisaical compassing of Sea and Land to make particular Proselytes, of all those whom either a natural levity, or want of judgment, or discontent, or despair to see the Church of *England* re-established, or extream poverty, and expectation of some supply, have prepared for their baits; whom they do not court more untill they have gained them, then they neglect after they think they have them sure, as daily experience doth teach

CHAP. X.

The Conclusion of this Treatise.

THis is the Treatise of Schisme intimated in my answer to *Monsieur de la militiere*, but not promised by me, who know nothing of the impression, nor should have judged it proper to give an English answer to a French Author. Howsoever being published I own it, except the errors of the Presse. Among which I desire the Christian Reader to take notice especially of one, because it perverts the sense. It is noted in the margent.

They who have composed minds free from distracting cares, and meanes to maintain them, and friends to assist them, and their books and notes by them, do little imagine with what difficulties poor Exiles struggle, whose minds are more intent on what they should eat to morrow, then what they should write, being chased as Vagabonds into the mercilesse world to beg relief of strangers. An hard condition, that when the meanest creatures are secured from that fear of wanting necessary sustenance, by the bounty of God and nature : that onely men the best of creatures, should be subjected to it by undeserved cruelty. Peruse all the Histories of the latest wars, among *Dutch, French, Swedes, Danes, Spaniards, Poles, Tartars and Turks*, and you shall not meet

p. 65. l. 27.
for [neither
do you] I
read [more-
over you
do]

with the like hard measure. Did the King of *Spain* conquer a Town from the *Hollanders*? He acquired a new Dominion, but the property of private men continued the same. Did the *Hollanders* take in a Town from the *Spaniard*? they made provision for the very *Cloisterers*, during their lives. So did our *Henry* the eighth also at the dissolution of the *Abbies*. Violent things last not long.

Or if *Exiles* can subsist without begging, yet they are necessitated to do or suffer things otherwise not so agreeable to them. Wherein they deserve the pity of all good men. When *Alexander* had conquered *Darius*, and found many *Greeks* in his Army, he commanded to detain the *Athenians* prisoners, because having means to live at *Rome*, they chose rather to serve a *Barbarian*; And the *Thessalians* because they had a fruitful Countrey of their own to till; But (said he) suffer the *Thebans* to go free, for we have left them neither a City to live in, nor fields to till. This is our condition.

When the free exercise of the Roman Religion was prohibited in *England*, and they wanted Seminaries at home for the education of their youth, and means of Ordination; Yet by the bounty of forreign Princes, and much more by the free contribution of our own Countrey-men of that communion, they had Colledges founded abroad for their subsistence. So careful were they to propagate and perpetuate their Religion in their native Country.

Country. The last age before these unhappy troubles was as fruitful in works of piety and charity done by Protestants, as any one preceding age since the conversion of *Britaigne*. And although we cannot hope for that foreign assistance which they found, yet might we have expected a larger supply from home, by as much as our professors are much more numerous then theirs were. Hath the sword devoured up all the charitable *Obadiahs* in our Land? Or is there no man that layes the affliction of *Joseph* to heart? Yet God that maintained his people in the Wildernesse without the ordinary supply of food or rayment, will not desert us, untill *he turn our captivity as the rivers in the South*. Where humane help faileth, Divine begins.

But to draw to a conclusion: We have seen in this short Treatise how the Court of *Rome* hath been the cause of all the differences and broiles between the Emperours with other Christian Princes and States, and the Popes. We have seen that from the excesses, abuses, innovations and extortions of that Court, have sprung all the Schismes of the Eastern and Western Church, and of the Occidentall Church within it self. We have heard the confession of Pope *Adrian*, that for some yeares by-past many things so be abominated had been in that holy See, abuses in spiritual matters, excesses in commands, and all things out of order. We have heard his promise to endeavour the Reformation of his own Court, from whence peradventure all

the evil did spring, that as corruption did flow from thence to the inferior parts, so might health and Reformation. To which he accounted himself so much more obliged, by how much he did see the whole world greedily desire a Reformation.

We have viewed the representation which nine selected Cardinals and Prelates did make upon their oaths to *Paul the third*: That this lying flattering principle, that the Pope is the Lord of all benefices, and therefore could not be Simoniacall, was the fountain from whence as from the Trojan horse so many abuses, and so grievous diseases had broken into the Church, and brought it to a desperate condition, to the derision of Christian Religion, and blaspheming of the Name of Christ, and that the cure must begin there, from whence the disease did spring.

We may remember the memorial of the King of Spain, and the whole Kingdom of Castile, That the abuses of the Court of Rome gave occasion to all the Reformations and Schismes of the Church. And the complaint of the King and Kingdom of Portugal, That for these reasons many Kingdomes had withdrawn their obedience and reverential respect from the Church of Rome. These were no Protestants. The first step to health, is to know the true cause of our disease.

It hath been long debated whether the Protestant and Roman Churches be reconciliable or not. Far be it from me to make my self a Judge of that Controversie. Thus much I have observed, that they who understand the fewest

fewest controversies make the most, and the greatest. If questions were truly stated by moderate persons, both the number and the height would be much abated. Many differences are grounded upon mistakes of one anothers sense. Many are meer logomachies or contentions about words. Many are meerly Scholastical above the capacity and apprehension of ordinary brains. And many doubtlesse are real both in *credendis* and *agendis*, both in doctrine and discipline. But whether the distance be so great, or how far any of these are necessary to salvation, or do intrench upon the fundamentals of Religion, requires a serious, judicious, and impartial consideration. There is great difference between the reconciliation of the persons, and the reconciliation of the opinions. Men may vary in their judgments, And yet preserve Christian unity and charity in their affections, one towards another, so as the errours be not destructive to fundamental Articles.

I determine nothing, but onely crave leave to propose a question to all moderate Christians, who love the peace of the Church, and long for the re-union thereof. In the first place, if the Bishop of Rome were reduced from his universality of Sovereign Jurisdiction, *jure Divino*, to his *principium unitatis*, and his Court regulated by the Canons of the Fathers, which was the sense of the Councils of *Constance* and *Basile*, and is desired by many Roman Catholicks as well as we. Secondly,

if the Creed or necessary points of faith were reduced to what they were in the time of the four first Oecumenical Councils, according to the decree of the third General Council, *Conc. Eph. Part. 2. Art. 6. c. 7.* (Who dare say that the faith of the primitive Fathers was insufficient?) Admitting no additional Articles, but only necessary explications; And those to be made by the authority of a General Council, or one so general as can be convoked: And lastly, supposing, that some things from whence offences either given or taken, (which whether right or wrong, do not weigh half so much as the unity of Christians,) were put out of divine offices, which would not be refused if animosities were taken away, and charity restored; I say, in case these three things were accorded, which seem very reasonable demands, whether Christians might not live in an holy communion, and joyn in the same public worship of God, free from all Schismatical separation of themselves one from another, notwithstanding diversities of opinions, which prevail even among the members of the same particular Churches, both with them and us.

FINIS.

